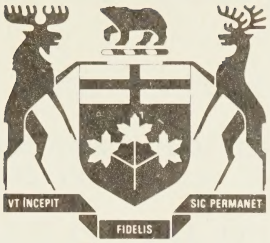
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Ontario

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

Twenty-Third and Twenty-Fourth Years of the Reign of Her Majesty

QUEEN ELIZABETH II

Being the Fourth Session of the Twenty-Ninth Legislature of Ontario

CONVENED ON THE 5TH DAY OF MARCH, 1974 AND
PROROGUED ON THE 14TH DAY OF FEBRUARY, 1975

HIS HONOUR W. ROSS MACDONALD
LIEUTENANT GOVERNOR
AND
HER HONOUR PAULINE M. McGIBBON
LIEUTENANT GOVERNOR

TORONTO
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1974

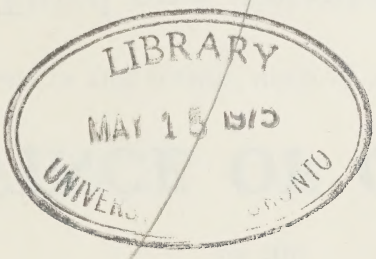

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PART I

PUBLIC ACTS

Chapters 1 to 137

CHAPTER 1

An Act respecting a certain Dispute between the York County Board of Education and certain of its Teachers

Assented to March 15th, 1974

Preamble

WHEREAS the York County Board of Education and its secondary school teachers have been negotiating terms of employment; and whereas these negotiations are deemed to have reached an impasse after approximately ten months of free collective bargaining and mediation; and whereas many secondary school students of York County have been severely disadvantaged for approximately six weeks due to their lack of access to a full educational program; and whereas the public interest, and in particular the interests of students, requires that teachers return to their duties, and that means be found for the settlement of the matters in dispute between the Board and its teachers;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the York County Board of Education;

(*b*) "Minister" means the Minister of Education;

(*c*) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the York County Board of Education on the 30th day of January, 1974.

Resumption of employment

2.—(1) The teachers who withdrew their services as a result of submitting resignations effective on the 31st day of January, 1974, shall, on the day following the day this Act comes into force, resume their employment with the Board in accordance with their contracts of employment in effect on the 30th day of January, 1974 as they may be varied by an award made under this Act, and the Board shall, on the day

following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts of employment.

Exception

(2) Nothing in this Act precludes a teacher from not resuming his employment with the Board for reasons of health or by mutual consent in writing of the teacher and the Board.

Arbitration

3.—(1) The Board and The Ontario Secondary School Teachers' Federation on behalf of the teachers shall, within fifteen days after the day this Act comes into force, submit to final and binding arbitration under this Act the matters considered by the Board or the teachers, as the case may be, to be matters remaining in dispute by each sending to the Minister a notice in writing setting forth the matters considered to be matters remaining in dispute, and the Minister shall forward such notices to the board of arbitration.

Pupil-teacher ratio

(2) Pupil-teacher ratio is arbitrable and shall be deemed to be included as a matter in dispute in the notices referred to in subsection 1.

Duties and procedures

(3) The board of arbitration constituted under this section, upon receipt of a notice referred to in subsection 1, shall examine into and decide all matters that are in dispute between the Board and the teachers as evidenced by the notices referred to in subsection 1 and any other matters that appear to the board of arbitration to be necessary to be decided in order to make an award and shall determine its own procedures but shall give full opportunity to the Board and the negotiators for the teachers to present evidence and to make submissions.

Appointment of arbitrators

(4) The Board and The Ontario Secondary School Teachers' Federation shall, within seven days after the day this Act comes into force, each appoint to a board of arbitration a person who has indicated his willingness to act and shall notify each other and the Minister of the name and address of the person so appointed, and where the Board or The Ontario Secondary School Teachers' Federation fails to appoint a member of the board of arbitration within such period, the Minister shall appoint such member.

Appointment of chairman

(5) The two persons appointed under subsection 4 shall, within seven days after they have been appointed, appoint a third person to act as chairman of the board of arbitration and, where no chairman can be agreed upon within such time, the persons so appointed shall notify the Minister who shall thereupon appoint the chairman.

Disqualification

(6) No person shall be appointed a member of the board of arbitration who has any direct pecuniary interest in the matters coming before it or who is acting or who has, within a period of six months immediately preceding the date of his appointment, acted as mediator, solicitor, counsel, negotiator or agent of either the Board or the teachers, but no person shall be deemed to have a direct pecuniary interest by reason only of his being a ratepayer within the area of jurisdiction of the Board.

Vacancy

(7) Where a member appointed under subsection 4 ceases to act by reason of withdrawal, death or otherwise before the board of arbitration has completed its work, a replacement shall be appointed by whoever made the appointment of the member who has ceased to act, and the board of arbitration shall continue to function as if such member were a member of the board of arbitration from the beginning.

Chairman unable to act

(8) Where the chairman of the board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within a reasonable time after his appointment, the Minister shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*.

Application of 1971, c. 47, parties

(9) Sections 4 to 8 and 10 to 23 of *The Statutory Powers Procedure Act, 1971* apply to proceedings under this Act and the parties to the proceedings are the Board and the teachers as represented by their negotiators.

Application of R.S.O. 1970, c. 25

(10) *The Arbitrations Act* does not apply to the arbitration under this Act.

Where arbitrators unable to agree on procedures

(11) Where the members of the board of arbitration are unable to agree on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Agreement upon some or all matters

(12) Where, before or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the award and they so notify the board in writing of the matters agreed upon, the decision of the board shall be confined to,

(*a*) the matters not agreed upon by the parties; and

(*b*) such other matters that appear to the board necessary to be decided in order to make an award,

and where, before an award is made, the parties have settled all matters in dispute and have entered into an agreement, upon the board being notified thereof in writing by the parties, the board of arbitration is dissolved.

Time for making award

(13) The board of arbitration shall make an award in writing within three months after receiving a notice referred to in subsection 1 or, with the approval of the Minister, within such further period as may be provided from time to time in writing by the board of arbitration.

Majority decision to be decision of board of arbitration

(14) The decision of a majority of the members of the board of arbitration is the decision of the board and, if there is no majority, the decision of the chairman is the decision of the board of arbitration.

Costs of arbitration

(15) The Board and the teachers covered by the award shall pay the expenditures incurred by them respectively in appointing or retaining any person in relation to the arbitration, and all other expenses, excluding the honorarium and expenses of the chairman, which shall be paid by the Province of Ontario, shall be shared equally by the Board and the teachers covered by the award and shall be paid within thirty days after the date of the award and, where the moneys required to be paid by the teachers are not paid within thirty days after the date of the award, The Ontario Secondary School Teachers' Federation shall pay such moneys.

Continuation of current understanding

(16) Subject to section 4 and to the award made under this Act, the provisions of the understanding in operation between the Board and its teachers on the 30th day of January, 1974 shall continue in force until the award made by the arbitrators under this Act comes into operation.

Award final and binding

(17) The award made under this Act shall also include all matters agreed upon by the Board and the teachers and is final and binding upon the Board and the teachers.

Salaries

4. The rates of salaries for teachers in Categories I to IV as set out in the Schedule to this Act are effective on and after the 1st day of September, 1973 until the award made by the board of arbitration under this Act comes into operation, and the decision of the board of arbitration shall not provide for rates of salaries in Categories I to IV less than the rates of salaries as set out in the Schedule for such Categories.

Order of judge

5. Where, on the application of the Board or a teacher, a judge of the Supreme Court is satisfied that the Board or any teacher has failed to comply with section 2, he may make an order requiring, as the case may be,

(*a*) the Board to employ the teacher who has attempted to comply with section 2; or

(*b*) the teacher who has failed to comply with section 2 to resume his employment with the Board,

in accordance with his contract of employment in effect on the 30th day of January, 1974.

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The York County Board of Education Teachers Dispute Act, 1974*. Short title

SCHEDULE

RATE OF ANNUAL SALARY

Years of Teaching Experience	Category I Teachers	Category II Teachers	Category III Teachers	Category IV Teachers
0	$ 7,400	$ 7,800	$ 8,700	$ 9,200
1	8,200	8,600	9,500	10,000
2	9,000	9,300	10,250	10,750
3	9,500	9,850	10,800	11,350
4	9,900	10,250	11,300	11,850
5	10,600	10,850	12,100	12,650
6	11,150	11,450	12,700	13,200
7	11,550	11,900	13,250	13,750
8	12,050	12,350	13,750	14,250
9	12,500	12,800	14,250	14,750
10	13,000	13,300	14,750	15,250
11	13,550	13,750	15,350	15,850
12		14,300	16,150	16,450
13				17,400

CHAPTER 2

The Developmental Services Act, 1974

Assented to March 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "administrator" means the person who is responsible for the operation and management of a facility;

(*b*) "attending physician" means the physician to whom responsibility for the observation, care and treatment of a resident has been assigned;

(*c*) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;

(*d*) "Director" means a person appointed as such, for all or any of the purposes of this Act;

(*e*) "facility" means any place designated by the regulations in which assistance and services or either of them are provided for persons with a developmental handicap;

(*f*) "Minister" means the Minister of Community and Social Services;

(*g*) "Ministry" means the Ministry of Community and Social Services;

(*h*) "physician" means a legally qualified medical practitioner;

(*i*) "regulations" means the regulations made under this Act; and

(*j*) "resident" means a person with a developmental handicap who resides in a facility.

Facilities established

2.—(1) The Minister may establish, operate and maintain one or more facilities and may furnish such services and assistance as he considers necessary upon such terms and conditions as he sees fit.

Purchase of assistance and services

(2) The Minister may by written agreement or otherwise purchase from any person, services and assistance for or on behalf of persons with a developmental handicap or believed to have a developmental handicap and may direct payment of expenditures as are necessary for these purposes.

Administration vested in Director

3.—(1) Except where a board has been appointed under subsection 2, the administration of every facility established, or operated by the Minister, is vested in the Director.

Board of governors appointed

(2) The Lieutenant Governor in Council may appoint a board of governors to maintain and operate any facility operated and maintained under subsection 1 of section 2, and every such board is a body corporate.

R.S.O. 1970, c. 89, not to apply

(3) *The Corporations Act* does not apply to a board appointed under subsection 2.

Administrator to superintend

(4) Subject to subsection 1, the administrator shall superintend the operation and management of all the affairs of the facility for which he is appointed and shall supervise all officers, clerks, employees and all the residents therein.

Minister, Director or administrator may appoint persons

(5) Where this Act or the regulations require or authorize the Minister, Director or administrator to do any act, such act may be done by any person whom the Minister, Director or administrator, as the case may be, appoints.

Patients deemed discharged

R.S.O. 1970, c. 269

4.—(1) Every person with a developmental handicap who on the 1st day of April, 1974 resides in a psychiatric facility under the regulations to *The Mental Health Act* shall, upon the designating of all or any part of the psychiatric facility as a facility under this Act, be deemed to have been discharged as a patient under the provisions of *The Mental Health Act* and admitted as a resident pursuant to the provisions of this Act.

Certificate of incompetence deemed issued and received

(2) Where the Public Trustee was committee of the estate of a person who is deemed to have been discharged under subsection 1, a certificate of incompetence shall be deemed to have been issued under subsection 3 of section 10 and received by the Public Trustee.

Designated facilities vest in Director R.S.O. 1970, c. 269

5. Any premises or part or parts thereof which were designated as a psychiatric facility under the regulations to *The Mental Health Act*, and which were operated by the Minister of Health shall, upon being designated as a facility under this Act, be operated and maintained by the Minister and the administration thereof shall, subject to subsection 2 of section 3, vest in the Director.

Corporate status continued

6. Where a facility was incorporated under another Act and is designated under this Act, the designation shall not be deemed to affect the continuation of the facility's status as a corporation.

Persons may apply for admission to facilities

7. Any person who,

(*a*) believes he is a person with a developmental handicap; or

(*b*) wishes to apply on behalf of a person whom he believes is a person with a developmental handicap,

may apply for admission to a facility or for any item of assistance or service which the Minister may make available to persons with a developmental handicap.

Protection from personal liability

8.—(1) No action, prosecution or other proceeding for damages for anything done or omitted to be done in pursuance or intended pursuance of this Act or the regulations shall be commenced against the Director, a Board appointed under subsection 2 of section 3 or any officer or employee of a facility for any act done in good faith in the execution or intended execution of his or its duty or for any alleged neglect or default in the execution in good faith of his or its duty.

Crown not relieved of liability R.S.O. 1970, c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

Protection from tort liability re resident

9. No action lies against the Director or any officer or employee of a facility for any tort of any resident.

Examination as to competency, upon admission

10.—(1) Forthwith upon the admission of a resident to a facility, he shall be examined by a physician to determine whether he is competent to manage his estate.

Idem, at any time

(2) The attending physician may examine a resident at any time to determine whether he is competent to manage his estate.

Certificate of incompetence

(3) If, after an examination under subsection 1 or 2, the examining physician is of the opinion that the resident is not competent to manage his estate, he shall issue a certificate of incompetence in the prescribed form and the administrator shall forward the certificate to the Public Trustee.

Idem, exceptional circumstances

(4) Where circumstances are such that the Public Trustee should immediately assume management of an estate, the administrator shall notify the Public Trustee forthwith that a certificate of incompetence has been issued.

Appointment by resident

(5) Notwithstanding that no certificate of incompetence has been issued in his case, a resident may, at any time, in writing signed and sealed by him, appoint the Public Trustee as committee of his estate while he is a resident in a facility, and any such appointment may be revoked by the resident at any time in writing signed and sealed by him.

Where Public Trustee is committee at time of admission of resident

(6) Where the Public Trustee is committee of a person with a developmental handicap or believed to have a developmental handicap at the time of his admission to a facility, a certificate of incompetence shall be deemed to have been issued and forwarded to the Public Trustee under subsection 3.

Where section does not apply R.S.O. 1970, c. 271

(7) This section does not apply to a resident whose estate is under committeeship under *The Mental Incompetency Act*.

Where Public Trustee may replace committee appointed under R.S.O. 1970, c. 271

11.—(1) Notwithstanding that under *The Mental Incompetency Act* a person other than the Public Trustee has been appointed as the committee of the estate of a resident, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the stead of the person appointed under that Act, and on appointment the Public Trustee has and may exercise all the rights and powers conferred upon him by this Act with regard to the management of estates.

Duty of Public Trustee where committee appointed under R.S.O. 1970, c. 271

(2) If at any time a committee of the estate of a resident is appointed under *The Mental Incompetency Act*, the Public Trustee thereupon ceases to be committee and shall account for and transfer to the committee so appointed the estate of the resident that has come into his hands.

Consent of Public Trustee to order

(3) An order shall not be made under *The Mental Incompetency Act* for the appointment of a committee of a resident

without the consent of the Public Trustee unless seven days notice of the application has been given to him.

Acts of Public Trustee not affected

(4) The acts of the Public Trustee while committee of a resident are not rendered invalid by the making of an order appointing another committee.

Where Public Trustee committee

12. The Public Trustee is committee of the estate of a resident and shall assume management thereof,

(*a*) upon receipt of a certificate of incompetence;

(*b*) upon receipt of notice under subsection 4 of section 10; or

(*c*) upon receipt of an appointment under subsection 5 of section 10.

Financial statement

13. Upon the Public Trustee becoming committee of the estate of a resident, the administrator shall forthwith forward a statement of the financial affairs of the resident to the Public Trustee.

Cancellation of certificate of incompetence

14. The attending physician may, after examining a resident for that purpose, cancel the resident's certificate of incompetence, and in such case the administrator shall forward a notice of cancellation in the prescribed form to the Public Trustee.

Examination as to competency before discharge

15.—(1) A resident who is about to be discharged from a facility and whose estate is being managed by the Public Trustee shall be examined by his attending physician to determine whether or not he will, upon discharge, be competent to manage his estate.

Notice of continuance

(2) Where the attending physician is of the opinion, after the examination referred to in subsection 1, that the resident will not, upon discharge, be competent to manage his estate, he shall issue a notice of continuance in the prescribed form and the administrator shall forward the notice to the Public Trustee.

Where Public Trustee ceases to be committee

16. The Public Trustee ceases to be committee of the estate of a resident and shall relinquish management thereof,

(*a*) upon receipt of notice of cancellation of the certificate of incompetence of the resident;

(*b*) upon receipt of a revocation in writing, signed and sealed by the resident, of an appointment referred to in subsection 5 of section 10;

(*c*) upon receipt of notice of discharge of the resident, unless he has at that time received a notice of continuance; or

(*d*) upon the expiration of three months after the resident's discharge, where a notice of continuance was received.

Application to county or district court as to competency

17.—(1) Where a certificate of incompetence or a notice of continuance has been issued, the resident or any person acting on his behalf, may apply to the county or district court of the county or district in which the resident resides at the time of the application for a review of the decision.

Application by originating notice of motion

(2) The application shall be made by originating notice of motion.

Service and practice

(3) The notice of motion shall be served upon,

(*a*) the Minister; and

(*b*) the administrator of the facility in which the resident resides,

and the practice and procedure of the court pertaining to applications by originating notice of motion applies, so far as it is applicable, to an application under this section, except as otherwise provided by this section.

Further evidence

(4) In addition to the evidence adduced by affidavit, the court may direct such further evidence to be given as it considers necessary.

Court may affirm or rescind decision

(5) On a review under this section, the court may affirm the decision of the person issuing the certificate of incompetence or may rescind it or refer the matter back to the administrator to be disposed of in accordance with such directions as the court considers proper under this Act and the regulations, and the administrator shall give effect to any direction given by the court under this section.

Leave of judge to bring action

18. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act without the leave of a judge of the court in which the action is intended to be brought, and the Public Trustee shall be served with notice of the application for such leave.

Service of documents

19. When an action or proceeding is brought or taken against a resident in a facility for whom a committee has not been appointed by the court and such action or proceeding

is in connection with the estate of such person, the writ or other document by which the proceedings are commenced and any other document requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the name of the facility in which the resident is located, and shall also be served upon the resident, unless in the opinion of the attending physician personal service upon the resident would cause serious harm to him by reason of his developmental handicap, in which case it shall also be served upon the administrator.

Rights and powers of Public Trustee as committee

20. The Public Trustee as committee of a resident has and may exercise all the rights and powers with regard to the estate of the resident that the resident would have if of full age and of sound and disposing mind.

Nature of proceeds of sale, etc.

21. A person of whose estate the Public Trustee is committee under this Act and his heirs, executors, administrators, next of kin, legatees, devisees and assigns shall have the same interest in any money or other property, real or personal, arising from a sale, mortgage, exchange or other disposition by the Public Trustee acting as such committee as they would have had in the property the subject of the sale, mortgage, exchange or other disposition if no sale, mortgage, exchange or other disposition had been made, and the surplus money or property shall be of the same nature as the property sold, mortgaged, exchanged or disposed of.

When powers of attorney void

22. Upon the Public Trustee becoming committee of the estate of a person under this Act, every power of attorney of such person is void.

Recitals in documents

23. Any recital in a lease, mortgage or conveyance that a person is a resident in a facility and that the Public Trustee is his committee is admissible in evidence as *prima facie* proof of the facts recited.

Purposes for which powers of Public Trustee may be exercised

24. The powers conferred upon the Public Trustee as committee of the estate of a resident may be exercised,

(*a*) until the committeeship is terminated notwithstanding that the resident has been discharged from the facility;

(*b*) to carry out and complete any transaction entered into by the resident before he became a resident in a facility;

(*c*) to carry out and complete any transaction entered into by the committee notwithstanding that the

(*c*) upon receipt of notice of discharge of the resident, unless he has at that time received a notice of continuance; or

(*d*) upon the expiration of three months after the resident's discharge, where a notice of continuance was received.

Application to county or district court as to competency

17.—(1) Where a certificate of incompetence or a notice of continuance has been issued, the resident or any person acting on his behalf, may apply to the county or district court of the county or district in which the resident resides at the time of the application for a review of the decision.

Application by originating notice of motion

(2) The application shall be made by originating notice of motion.

Service and practice

(3) The notice of motion shall be served upon,

(*a*) the Minister; and

(*b*) the administrator of the facility in which the resident resides,

and the practice and procedure of the court pertaining to applications by originating notice of motion applies, so far as it is applicable, to an application under this section, except as otherwise provided by this section.

Further evidence

(4) In addition to the evidence adduced by affidavit, the court may direct such further evidence to be given as it considers necessary.

Court may affirm or rescind decision

(5) On a review under this section, the court may affirm the decision of the person issuing the certificate of incompetence or may rescind it or refer the matter back to the administrator to be disposed of in accordance with such directions as the court considers proper under this Act and the regulations, and the administrator shall give effect to any direction given by the court under this section.

Leave of judge to bring action

18. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act without the leave of a judge of the court in which the action is intended to be brought, and the Public Trustee shall be served with notice of the application for such leave.

Service of documents

19. When an action or proceeding is brought or taken against a resident in a facility for whom a committee has not been appointed by the court and such action or proceeding

and pass his accounts and tax costs in like manner as a trustee but is personally liable only for wilful misconduct.

Compensation of Public Trustee

29. For the services rendered by the Public Trustee as committee of a resident, he may be allowed compensation not exceeding the amount that a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation.

Application for directions

30.—(1) Where a person, with respect to whom a notice of continuance has been received by the Public Trustee, may not, based upon a report of the attending physician or other evidence available to the Public Trustee, be competent to manage his estate upon the termination of the committeeship or a person discharged has refused or neglected to take his property or any part thereof from the Public Trustee, the Public Trustee may apply to the Supreme Court for directions as to the disposal of such property, and the court may make such order as it considers just, and may in its discretion order that the Public Trustee continue to manage the estate of such person with all the rights and powers that the Public Trustee would have had under this Act if the committeeship had not been terminated.

Further orders

(2) Where the Public Trustee continues to manage an estate under subsection 1, the Supreme Court may, upon application, make such further order as it considers just and may, in its discretion, order that the management of the estate by the Public Trustee be relinquished.

Payments out of resident's moneys

31. The Public Trustee shall, out of the money in his hands belonging to a resident for whom he is committee, pay the proper charges for his maintenance in the facility in which he is a resident, and he may also pay such sums as he considers advisable to the resident's family or other persons dependent upon him, and the payments for the maintenance of the family and other dependants may be made notwithstanding that such payments may prevent the payment of maintenance that otherwise would be due from the resident.

Payments out of moneys in court

32. If there is any money in court to the credit of a resident, it shall be paid out to the Public Trustee upon his written application, and it is not necessary to obtain an order of the court or a judge for such purpose.

What Public Trustee not required to do

33. Nothing in this Act makes it the duty of the Public Trustee to institute proceedings on behalf of a resident or to intervene in respect of his estate or any part thereof or to take charge of any of his property.

committeeship has been terminated or that the resident has died after the transaction was commenced.

Lien of Public Trustee for costs, etc.

25.—(1) The costs, charges and expenses of the Public Trustee, including the costs, charges and expenses of or arising from or out of the passing of his accounts, whether before or after the termination of the committeeship or the death of the person of whose estate he is committee under this Act, and any moneys advanced or liability incurred by him for or on behalf of such person or for the maintenance of such person's family are a lien upon the real and personal property of such person.

Notice of lien in case of real property

(2) In the case of real property, the Public Trustee may register in the proper land registry office a certificate under his hand and seal of office giving notice of the lien claimed and the real property against which it is claimed.

Withholding of moneys to secure costs

(3) Where the Public Trustee is proceeding to have his accounts passed after the termination of the committeeship or the death of a person referred to in subsection 1, the Public Trustee may withhold sufficient moneys from the person's estate to adequately secure the costs of or arising from or out of the passing of such accounts.

When gifts, etc., deemed fraudulent

26. Every gift, grant, alienation, conveyance or transfer of property made by a person who is or becomes a resident shall be deemed to be fraudulent and void as against the Public Trustee if the same was not made for full and valuable consideration actually paid or sufficiently secured to such person or if the purchaser or transferee had notice of his mental incompetence.

Death of resident

27. Upon the death of a resident and until letters probate of the will or letters of administration to the estate of the resident are granted to a person other than the Public Trustee and notice thereof is given to the Public Trustee, the Public Trustee may continue to manage the estate and exercise with respect thereto the powers that an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue.

Passing of accounts

28. The Public Trustee is liable to render an account as to the manner in which he has managed the property of the resident in the same way and subject to the same responsibility as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and is entitled from time to time to bring in

(*a*) designating facilities or classes of facilities to which this Act and the regulations apply and limiting, restricting or exempting any such facility or class of facility from the application of any part of the regulations;

(*b*) respecting the construction, renovation, alteration and maintenance of any facility or class of facility;

(*c*) respecting the management, conduct, operation, use and control of any facility or class of facility;

(*d*) prescribing the accommodation, facilities, equipment and services in any facility or class of facility;

(*e*) providing for the officers and staff and prescribing their duties and qualifications in any facility or class of facility;

(*f*) prescribing the procedure for selecting and evaluating the site of any facility or class of facility and for the development and preparation of plans for the site and buildings and for the information to be contained in such plans;

(*g*) providing for the approval of facilities within a class and prescribing the terms and conditions upon which any such facility may be approved for persons with a developmental handicap;

(*h*) for the purposes of this Act and the regulations, defining "assistance" and "services" and prescribing classes of services and classes of assistance and the items, services and payments to be included in any such definition or in any such class of services or class of assistance and prescribing the terms and conditions upon which such services or assistance or any class thereof may be provided;

(*i*) prescribing the classes of grants or allowances by way of provincial aid to or for the benefit of persons with a developmental handicap or believed to have a developmental handicap, or to or for any facility or class of facility and the methods of determining the amounts of such grants or allowances, the terms and conditions for the payment thereof and providing for the manner, times and methods of payment and the suspension and withholding of grants and allowances and for the making of deductions from grants and allowances;

Patients in another province with estate in Ontario

34.—(1) Where a person who is suffering from a developmental handicap resides in another province or territory of Canada and has estate situate in Ontario, the Lieutenant Governor in Council may appoint the official of the other province or territory who is charged with the duty of managing the estate of such person in the other province or territory to be committee of the estate in Ontario.

Order conclusive

(2) The order making the appointment is conclusive proof that all the conditions precedent to the appointment have been fulfilled.

Rights and powers of appointee

(3) The appointee under such an order possesses the same rights, powers, privileges and immunities as are conferred by this Act upon the Public Trustee and he is subject to the same obligations and shall perform the same duties.

Minister may designate officers

35.—(1) The Minister may appoint officers of the Ministry or other persons who shall advise and assist the administrator in all matters pertaining to persons with a developmental handicap and who shall have such other duties as are assigned to them by this Act or the regulations.

Powers

(2) Any such officer or person may at any time, and shall be permitted so to do by the authorities thereat, visit and inspect any facility and, in so doing, may interview residents, examine books, records and other documents relating to residents, examine the condition of the facility and its equipment, inquire into the adequacy of its staff, the range of services provided and any other matter considered relevant to the care of residents by such officer or person.

Inspection

(3) The books of account and any other records of every facility or class of facility shall be open at all reasonable times for inspection by an officer or person appointed under subsection 1.

Provincial aid

36. The Minister may direct payment of provincial aid to or for the benefit of persons with a developmental handicap, or believed to have a developmental handicap, or to or for any facility or class of facility in which a person with a developmental handicap resides, in such amounts and under such conditions as are prescribed by the regulations.

Moneys

37. The moneys required for the purposes of this Act shall be paid out of moneys that are appropriated therefor by the Legislature.

Regulations

38. The Lieutenant Governor in Council may make regulations,

(*p*) providing for any parent or guardian of a child with a developmental handicap or believed to have a developmental handicap to enter into agreement with the Minister or any child welfare authority appointed by the Minister, for the purposes of providing services or assistance or any class thereof, and providing for the terms and conditions in any such agreement upon which such services or assistance or any class thereof may be provided;

(*q*) governing applications for payment of grants or allowances under this Act;

(*r*) prescribing the records and accounts to be kept in respect of facilities or class of facilities, the claims and returns to be made to the Minister and the method, time and manner in which such claims and returns are to be made;

(*s*) prescribing additional duties of officers or persons appointed by the Minister under section 35;

(*t*) respecting the examination of persons and the admission, transfer, discharge and placement of residents;

(*u*) prescribing rules governing the operation, management functions and powers of boards appointed by the Lieutenant Governor in Council under subsection 2 of section 3; and

(*v*) prescribing forms and providing for their use.

Commencement

39.—(1) This Act comes into force on the 1st day of April, 1974.

Idem

(2) Any regulations made under section 38 and filed under *The Regulations Act* before the 31st day of December, 1974 may be made to apply retroactively to a date not earlier than the 1st day of April, 1974.

R.S.O. 1970, c. 410

Short title

40. This Act may be cited as *The Developmental Services Act, 1974*.

CHAPTER 3

An Act to amend The Municipal Act

Assented to March 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 293 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: s. 293(2), amended

(*u*) agreements respecting regional economic development under paragraph 74*a* of section 352.

2. Section 352 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, 1972, chapter 124, section 9, and 1973, chapter 83, section 6, is further amended by adding thereto the following paragraph: s. 352, amended

74*a*. For entering into any agreement with Her Majesty in right of Ontario respecting regional economic development and, subject to the approval of the Minister, any ancillary or subsidiary agreements with any person required as a result of entering into such an agreement with Her Majesty. Agreements respecting regional economic development

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Municipal Amendment Act, 1974*. Short title

CHAPTER 4

An Act to amend The University Expropriation Powers Act

Assented to April 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *o* of subsection 1 of section 1 of *The University Expropriation Powers Act*, being chapter 473 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1) (*o*), re-enacted

(*o*) Wilfrid Laurier University; and

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The University Expropriation Powers Amendment Act, 1974*. Short title

CHAPTER 5

The Regional Municipalities Amendment Act, 1974

Assented to April 5th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 123*c* of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 138, section 18, is repealed and the following substituted therefor: R.S.O. 1970, c. 407, s. 123*c* (2), re-enacted

(2) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 1 apply *mutatis mutandis* to any such by-law. Idem

2. Subsection 8*a* of section 158 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as enacted by the Statutes of Ontario, 1973, chapter 137, section 9, is repealed and the following substituted therefor: 1972, c. 105, s. 158 (8*a*), re-enacted

(8*a*) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1972, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law. Idem

1973, c. 60, s. 115 (8), re-enacted

3. Subsection 8 of section 115 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor:

Idem

(8) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

1973, c. 70, s. 115 (8), re-enacted

4. Subsection 8 of section 115 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Idem

(8) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

1973, c. 74, s. 115 (8), re-enacted

5. Subsection 8 of section 115 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973, being chapter 74, is repealed and the following substituted therefor:

Idem

(8) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

1973, c. 78, s. 123 (8), re-enacted

6. Subsection 8 of section 123 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as re-enacted by the

Statutes of Ontario, 1973, chapter 147, section 10, is repealed and the following substituted therefor:

By-laws (8) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the area municipality, the council of The Municipality of Metropolitan Toronto, or the council of the Borough of Scarborough, as the case may be, which is successor to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, or to The Municipality of Metropolitan Toronto or to the Borough of Scarborough and the provisions of subsection 7 apply *mutatis mutandis* to any such by-law.

7. Subsection 9 of section 119 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: 1973, c. 96, s. 119 (9), re-enacted

Idem (9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

8.—(1) This Act, except sections 1 to 7, comes into force on the day it receives Royal Assent. Commencement

Idem (2) Section 2 shall be deemed to have come into force on the 1st day of January, 1973.

Idem (3) Sections 1, 3, 4, 5 and 6 shall be deemed to have come into force on the 1st day of January, 1974.

Idem (4) Section 7 comes into force on the 1st day of April, 1974.

9. This Act may be cited as *The Regional Municipalities Amendment Act, 1974*. Short title

CHAPTER 6

An Act to amend The Farm Products Grades and Sales Act

Assented to April 19th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Farm Products Grades and Sales Act*, being chapter 161 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 37, section 1, is repealed and the following substituted therefor: s. 1, re-enacted

1. In this Act, Interpretation

(*a*) "Arbitration Board" means the Produce Arbitration Board established under this Act;

(*b*) "Board" means the Produce Licence Review Board established under this Act;

(*c*) "contracting party" means,

(i) a producer of farm products who has entered into a contract with a licensee, or

(ii) a licensee who has entered into a contract with a producer of farm products,

respecting the marketing of any farm product;

(*d*) "controlled-atmosphere fruit" means fruit that has been stored in a sealed compartment of a controlled-atmosphere storage plant for a period of at least ninety days from the date of the sealing thereof where the oxygen content of the air in the sealed compartment did not exceed 5 per cent during the storage;

(*e*) "controlled-atmosphere storage plant" means premises and buildings constructed and equipped

for cold storage of fruit in sealed compartments within which the oxygen content of the air is mechanically controlled;

(*f*) "dealer" means a person who purchases or accepts for sale a farm product from the producer thereof, other than a person who purchases a farm product for his own consumption;

(*g*) "Director" means the Director of the Farm Products Inspection Branch of the Ministry of Agriculture and Food;

(*h*) "farm product" means such animals, animal products, Christmas trees, fruit, fruit products, grains, honey, maple products, seeds, tobacco, vegetables, vegetable products, wood or any class thereof and articles of food or drink manufactured or derived in whole or in part from any of those products as are designated in the regulations;

(*i*) "grade" means, except in subsection 4 of section 2, a grade established under this Act;

(*j*) "grader" means a grader appointed under this Act;

(*k*) "inspector" means an inspector appointed under this Act;

(*l*) "licence" means a licence issued under this Act and "licensee" has a corresponding meaning;

(*m*) "marker" means a marker issued under this Act;

(*n*) "Minister" means the Minister of Agriculture and Food;

R.S.O. 1970, c. 202

(*o*) "motor vehicle" means a motor vehicle as defined in *The Highway Traffic Act*;

(*p*) "package" includes any box, crate or other receptacle used for or suitable for use in the marketing, transporting or shipping of a farm product;

(*q*) "regulations" means the regulations made under this Act.

s. 2 (1) (*m-p*), re-enacted

2. Clauses *m*, *n*, *o* and *p* of subsection 1 of section 2 of the said Act are repealed and the following substituted therefor:

(*m*) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;

(*n*) prescribing the terms and conditions on which licences are issued;

(*o*) prescribing grounds for refusal to renew, suspension or revocation of licences in addition to the grounds mentioned in section 9*b* or 9*d*;

(*p*) providing for the issuing of markers for motor vehicles owned or leased by persons licensed as dealers and prescribing the fees payable therefor;

(*pa*) prohibiting any person licensed as a dealer from transporting any farm product in a motor vehicle upon a highway in Ontario unless a marker has been issued respecting the vehicle and requiring any markers to be displayed in such manner as may be prescribed;

(*pb*) requiring removal of any marker issued to a person whose licence as a dealer has been suspended or revoked;

(*pc*) prescribing the form of and conditions in the bill of lading to be used in transporting or shipping a farm product in respect of which a bill of lading is not required under *The Public Commercial Vehicles Act*; R.S.O. 1970, c. 375

(*pd*) prescribing records to be kept by dealers;

(*pe*) prescribing forms and providing for their use.

3. The said Act is amended by adding thereto the following sections: ss. 9*a*-9*n*, enacted

9*a*.—(1) No person shall commence or continue to carry on business as a dealer unless he is the holder of a licence as a dealer issued by the Director. Licence

(2) The Director shall issue a licence as a dealer to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of the opinion that, Issue of licence

(*a*) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;

(*b*) the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with the law;

(*c*) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations;

(*d*) where the applicant was previously the holder of a licence and,

(i) such licence was revoked, or

(ii) the applicant or, where the applicant is a corporation, any officer, servant or director thereof or any person who will be in any way associated with the applicant in connection with the business, was convicted of an offence,

under this Act and the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(*e*) the applicant is not financially responsible.

Renewal of licence

(3) Subject to section 9*b*, the Director shall renew a licence as a dealer on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Refusal to renew or suspension or revocation of licence

9*b*. The Director may refuse to renew or may suspend or revoke a licence as a dealer if, after a hearing, he is of the opinion that,

(*a*) the licensee has ceased to possess or have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;

(*b*) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened, or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the conditions for licensing and such contravention warrants such refusal to renew, suspension or revocation of the licence;

(*c*) the licensee has failed to comply with an award of the Arbitration Board;

(*d*) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or

(*e*) any ground for refusing to issue a licence under subsection 2 of section 9*a* exists.

Licence for controlled-atmosphere storage plant

9*c*.—(1) No person shall commence or continue to engage in the operation of a controlled-atmosphere storage plant unless he is the holder of a licence as an operator of a controlled-atmosphere storage plant issued by the Director.

Licence for packing or repacking controlled-atmosphere fruit

(2) No person shall commence or continue to engage in the packing or repacking of controlled-atmosphere fruit for sale by him unless he is the holder of a licence as a packer of controlled-atmosphere fruit issued by the Director.

Idem

(3) The holder of a licence as an operator of a controlled-atmosphere storage plant shall be deemed to be the holder of a licence as a packer of controlled-atmosphere fruit.

Issue of licence

(4) The Director shall issue a licence as an operator of a controlled-atmosphere storage plant or as a packer of controlled-atmosphere fruit to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of the opinion that,

(*a*) the applicant, or where the applicant is a corporation, its officers or directors, is or are not competent to carry on the business;

(*b*) the past conduct of the applicant, or where the applicant is a corporation, of its officers or directors, affords reasonable ground for belief that the business will not be carried on in accordance with the law;

(*c*) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;

(*d*) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations;

(*e*) where the applicant was previously the holder of a licence and,

(i) such licence was revoked, or

(ii) the applicant or, where the applicant is a corporation, any officer, servant or director thereof or any person who will be in any way associated with the applicant in connection with the business, was convicted of an offence,

under this Act and the grounds for such cancellation or conviction warrant a refusal to issue the licence; or

(*f*) the applicant is not financially responsible.

Renewal of licence

(5) Subject to section 9*d*, the Director shall renew a licence as an operator of a controlled-atmosphere storage plant or as a packer of controlled-atmosphere fruit on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

Refusal to renew or suspension or revocation of licence

9*d*. The Director may refuse to renew or may suspend or revoke a licence as an operator of a controlled-atmosphere storage plant or as a packer of controlled-atmosphere fruit if, after a hearing, he is of the opinion that,

(*a*) the licensee has ceased to possess or have available all premises, facilities and equipment necessary to carry on the business in accordance with this Act and the regulations;

(*b*) the licensee, or where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the conditions for licensing and such contravention warrants such refusal to renew, suspension or revocation of the licence;

(*c*) any other ground for refusal to renew, suspension or revocation specified in the regulations exists; or

(*d*) any ground for refusing to issue a licence under subsection 2 of section 9*c* exists.

Continuation of licence pending renewal

9*e*. Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee

has applied for a renewal of his licence and paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

Notice of hearing

9f.—(1) The notice of a hearing by the Director under section *9a*, *9b*, *9c* or *9d* shall afford the applicant or licensee a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination of written or documentary evidence

(2) An applicant or licensee who is a party to proceedings in which the Director holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Variation of decision by Director

9g. Where the Director has refused to issue or renew or has suspended or revoked a licence pursuant to a hearing he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision but the Director shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations.

Produce Licence Review Board established

9h.—(1) A board to be known as the "Produce Licence Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom are members of the public service in the employ of the Ministry of Agriculture and Food.

Chairman and vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

Remuneration

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Appeal to Board

9i.—(1) Where the Director refuses to issue or renew or suspends or revokes a licence, the applicant or licensee may, by written notice delivered to the Director and filed with the Board within thirty days after receipt of the decision of the Director, appeal to the Board.

Extension of time for appeal

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Disposal of appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or revoked and may after the hearing confirm or alter the decision of the Director or direct the Director to do any act he is authorized to do under this Act and the regulations and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Director.

Idem

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Director, unless the Director otherwise directs the decision of the Director is effective until the appeal is disposed of.

Parties

9*j*.—(1) The Director, the appellant and such other persons as the Board may specify are parties to the proceeding before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argu-

ment of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Appeal to court

9*k*.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Record to be filed in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Director to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Director or the Board.

Effect of decision of Board pending disposal of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Produce Arbitration Board established

9*l*.—(1) A board to be known as the "Produce Arbitration Board" is hereby established and shall consist of three persons appointed by the Lieutenant Governor in Council.

Members

(2) One of the members of the Arbitration Board shall be the holder of a licence as a dealer, one of the members shall be a producer of farm products and none of the members shall be members of the public service.

Chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Arbitration Board as chairman.

Remuneration and expenses

(4) The members of the Arbitration Board shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Matter in dispute to be submitted to Arbitration Board

9*m*.—(1) Every contract between two contracting parties shall be deemed to provide that, where the parties have failed to resolve any dispute arising out of any term or

condition of the contract whether express or implied, the matter in dispute shall be submitted for arbitration by the Arbitration Board and *The Arbitrations Act* applies, except where it is inconsistent with this Act.

R.S.O. 1970, c. 25

Notice of matter in dispute

(2) Either contracting party may refer the matter in dispute to the Arbitration Board by serving notice thereof upon the other contracting party and the Director.

Idem

(3) A notice under subsection 2 shall contain a statement of the matter in dispute and the name and address of the contracting party serving the notice.

Director to notify members

(4) Where the Director receives a notice under subsection 2, he shall forthwith notify the members of the Arbitration Board accordingly.

Costs of reference and award

(5) All costs of the reference and award are in the discretion of the Arbitration Board which may direct to and by whom and in what manner those costs or any part thereof shall be paid or may direct that no costs shall be paid as between the contracting parties.

Board may direct payment to Treasurer of Ontario

(6) Notwithstanding *The Arbitrations Act*, no fees are payable by the parties to the members of the Arbitration Board for their services but the Arbitration Board may include in any award a direction to pay to the Treasurer of Ontario for the services of the Arbitration Board an amount which shall not exceed the total remuneration and expenses payable to the members of the Arbitration Board under subsection 4 of section 9*l* respecting the reference and award.

Appeal from award

9*n*. An appeal lies from an award of the Arbitration Board and section 16 of *The Arbitrations Act* applies as if it were agreed by the terms of a submission that there may be an appeal from the award.

Commencement

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1974*.

CHAPTER 7

An Act to amend The Retail Sales Tax Act

Assented to April 19th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 7 of section 2 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, is amended by striking out "by the Treasurer of Ontario on receipt" in the fourth and fifth lines and inserting in lieu thereof "on receipt by the Minister". s. 2 (7), amended

(2) Subsection 8 of the said section 2 is repealed and the following substituted therefor: s. 2 (8), re-enacted

(8) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, such amount may be refunded upon receipt by the Minister of satisfactory evidence that the amount was wrongfully paid. Idem

2.—(1) Subsection 1 of section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, and 1973, chapter 23, section 4, is further amended by adding thereto the following paragraphs: s. 5 (1), amended

20. used clothing or used footwear or a combination thereof sold by a religious, charitable, benevolent or non-profit organization in one transaction the total consideration for which does not exceed $50;

21. personal hygiene and household products, as defined by the Minister, purchased for household use and not for use in any commercial, industrial or institutional establishment;

22. footwear, as defined by the Minister, the price of which does not exceed an amount determined by the Minister.

s. 5 (1), par. 42, amended

(2) Paragraph 42 of subsection 1 of the said section 5 is amended by striking out "and children's footwear" in the first line.

s. 7, amended

3. Section 7 of the said Act is amended by adding thereto the following subsection:

Idem

(*3a*) Where it is shown to the satisfaction of the Minister that the tax calculated on the price of admission to a place of amusement, which is a community centre as defined in and for which aid has been granted under *The Community Centres Act*, at or in which an entertainment has been held by a municipality, was collected and paid to Her Majesty in right of Ontario in accordance with subsection 4 of section 2 and where the municipality files with the Minister a statement, verified by affidavit, giving in detail all receipts and expenses in connection with the entertainment and satisfies the Minister that the net proceeds were for the benefit of the municipality, there may be paid to the municipality an amount equal to that proportion of the tax so collected and paid which the net proceeds from admissions received by the municipality bear to the gross amount received by the municipality as the price of admission to such place of amusement.

R.S.O. 1970, c. 73

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Retail Sales Tax Amendment Act, 1974*.

CHAPTER 8

The Land Transfer Tax Act, 1974

Assented to April 26th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "collector" means any land registrar to whom any conveyance to which this Act applies is tendered for registration;

(*b*) "convey" includes the granting, assigning, releasing, surrendering, leasing or disposing of land in Ontario, agreeing to sell land in Ontario, or the giving of an option upon or with respect to any land in Ontario, whether the effect of any of the foregoing is to bring into existence an interest of any kind in land or is only for the purpose of giving effect to or formal recognition to any interest of whatsoever kind that theretofore existed in land, but "convey" does not include any transfer of land for the purpose only of securing a debt or loan, or any transfer by a creditor for the purpose only of returning land that had been used as security for a debt or loan, or any transfer of land by virtue of which there is a change in the legal ownership of the land without any change in its beneficial ownership;

(*c*) "conveyance" includes any instrument or writing by which land is conveyed and includes a final order of foreclosure under any mortgage or charge affecting land;

(*d*) "land" includes lands, tenements and hereditaments and any estate, right or interest therein, a leasehold interest or estate, the interest of an optionee, the interest of a purchaser under an agreement to sell land, or goodwill attributable to the location

of land or to the existence thereon of any building or fixture, and fixtures;

(*e*) "Minister" means the Minister of Revenue;

(*f*) "non-resident corporation" means a corporation incorporated, formed or otherwise organized in Canada or elsewhere,

(i) that has issued or allotted shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are owned by one or more individuals who are non-resident persons, or by one or more corporations incorporated, formed or organized elsewhere than in Canada, or by any combination of such individuals and corporations,

(ii) that has issued or allotted shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are owned by any one individual who is a non-resident person, or by any one corporation incorporated, formed or organized elsewhere than in Canada, but this subclause does not apply where it is established to the satisfaction of the Minister that such individual or corporation does not in fact exercise control, directly or indirectly, over the corporation that has issued or allotted to such individual or corporation shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation,

(iii) one-half or more of the directors of which, or of the persons occupying the position of director by whatever name called, are individuals who are non-resident persons,

(iv) without share capital and one-half or more of the members of which are non-resident persons, or

(v) that is controlled directly or indirectly by one or more non-resident persons, including a non-resident corporation within the definition contained in the provisions of this clause other than this subclause;

(*g*) "non-resident person" means,

(i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor an individual who has been lawfully admitted to Canada for permanent residence in Canada,

(ii) a partnership, syndicate, association or other organization of whatsoever kind of which one-half or more of the members are non-resident persons within the meaning of subclause i, iii or iv or in which interests representing in value 50 per cent or more of the total value of the partnership property are beneficially owned by non-resident persons within the meaning of subclause i, iii or iv,

(iii) a trust established by a non-resident person within the meaning of subclause i, ii or iv or in which non-resident persons within the meaning of subclause i, ii or iv have 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom, and "trust" includes the trustees under such a trust in their capacity as the trustees thereof, or

(iv) a non-resident corporation;

(*h*) "prescribed" means prescribed by regulations made under this Act;

(*i*) "tax" means the tax imposed by this Act;

(*j*) "transferee" includes a person to whom land is conveyed and any person whose interest in land is increased, created or given effect to as the result of a conveyance;

(*k*) "transferor" includes any person making a conveyance of land to a transferee;

(*l*) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(*m*) "value of the consideration" includes,

(i) moneys paid in cash,

(ii) the value of any property or security exchanged for the conveyance of land,

(iii) the value of any encumbrance, charge or other liability to which the land being conveyed is subject at the time of registration, or

(iv) in the case of a final order of foreclosure under any mortgage or charge affecting land, the amount owed under the mortgage at the time it was foreclosed, including principal, interest and all costs and expenses, other than municipal taxes, secured by the mortgage and owing at that time.

Control defined

(2) For the purposes of clause *f* of subsection 1, "control" means control by another corporation, individual or trust that is in fact exercising effective control either directly or indirectly and either through the holding of shares of the corporation or of any other corporation or through the holding of a significant portion of any class of shares of the corporation or of the outstanding debt of the corporation or of any shareholder or member of the corporation, or by any other means whether of a like or different nature.

Ordinarily resident defined

(3) For the purpose of clause *g* of subsection 1, an individual shall be considered to be ordinarily resident in Canada if, at the time the expression is being applied,

(*a*) he has been lawfully admitted to Canada for permanent residence in Canada;

(*b*) he has sojourned in Canada during the next preceding 24 months for a period of, or periods the aggregate of which is, 366 days or more;

(*c*) he is a member of the Canadian Forces required to reside outside Canada;

(*d*) he is an ambassador, minister, high commissioner, officer or servant of Canada, or is an agent-general, officer or servant of a province of Canada, and resided in Canada immediately prior to appointment or employment by Canada or a province of Canada or is entitled to receive representation allowances;

(*e*) he is performing services in a country other than Canada under an international development assistance program of the Government of Canada that is

prescribed for the purposes of paragraph *d* of subsection 1 of section 250 of the *Income Tax Act* (Canada), and resided in Canada at any time in the three month period preceding the day on which such services commenced; or 1970-71, c. 63 (Can.)

(*f*) he resides outside Canada and is the spouse or child of, and is living with, an individual described in clause *c*, *d* or *e*.

Imposition of tax

2.—(1) Every person who tenders for registration in Ontario a conveyance whereby any land is conveyed to or in trust for any transferee who is not a non-resident person shall, before the conveyance is registered, pay a tax computed at the rate of three-tenths of 1 per cent of the value of the consideration for the conveyance up to and including $35,000, and at the rate of six-tenths of 1 per cent upon the remainder of the value of the consideration.

Idem

(2) Every person who tenders for registration in Ontario a conveyance whereby any land is conveyed to or in trust for any transferee who is a non-resident person shall, before the conveyance is registered, pay a tax computed at the rate of 20 per cent of the value of the consideration for the conveyance.

Tax to be payable on one registration only

(3) Where the same conveyance may be registered in more than one office under the registry system, in more than one office under the land titles system, or under both the registry system and the land titles system, the tax is payable only once in respect of the first of such conveyances tendered for registration.

Exemption

(4) No tax is payable where the only transferee in a conveyance that is tendered for registration is the Crown or a Crown agency within the meaning of *The Crown Agency Act*. R.S.O. 1970, c. 100

Minister's certification

(5) Where the Minister or some person authorized by him in writing to do so has indicated over his signature upon any conveyance that such tax as is payable has been paid, the conveyance may be registered without the payment of tax to the collector and without the production of the affidavits required by this Act, but the Minister or a person acting under his authority shall make the certification provided for by this subsection only when he is satisfied that all tax is paid or that security for the payment of the tax has been furnished to the Minister or to a collector in a form and of a kind that is acceptable to the Minister.

Returns by collector

3. Every collector shall, in the first week of each month or at such other time as the Minister may from time to time require in writing, send to the Minister a statement of the amount of tax collected by him during the previous month or during such other period of time as the Minister shall in writing specify, and the collector shall pay over the amount of such tax to the Treasurer for the uses of Ontario.

Contents of affidavit as to consideration

4.—(1) There shall be filed with the collector and attached by him to the conveyance to which it relates an affidavit in the prescribed form setting out the true value of the consideration for the conveyance, the true amount in cash and the value of any property or security included in the value of the consideration, the amount or value of any lien or encumbrance subject to which the conveyance was made, and such other information as the Minister may prescribe to be disclosed in the affidavit.

Affidavit by whom to be made

(2) The affidavit required by subsection 1 may be made by the person making the conveyance or by the transferee or by any person acting for either of them under a power of attorney or as an agent authorized in writing so to act, or by the solicitor for the person making the conveyance or for the transferee, or by some other person authorized in writing by the Minister to make the affidavit.

Affidavit as to residence

(3) In addition to the affidavit required by subsection 1, there shall be filed with the collector and attached by him to the conveyance to which it relates an affidavit in Form 1 or in such other form as is prescribed, and the affidavit shall be made by,

(*a*) the transferee to whom or in trust for whom any land is conveyed;

(*b*) a trustee to whom any land is conveyed and who is shown as a trustee in the conveyance;

(*c*) the transferee named in the conveyance;

(*d*) an agent of any person referred to in clause *a*, *b* or *c*, if the agent is authorized in writing to make the affidavit; or

(*e*) the solicitor acting in the transaction as the solicitor for any person referred to in clause *a*, *b* or *c*,

and such affidavit shall state whether the transferee to whom the land is being conveyed is a non-resident person or the trustee for a non-resident person, and shall state such other information as is required in order to complete the affidavit.

(4) The affidavit required by subsection 1 or 3 shall state that the person making it has personal knowledge of the facts stated in it, and there shall be filed with the affidavit the power of attorney or written authorization, if any, referred to in subsection 2 or 3. Affidavits, what to contain

(5) If the collector is not satisfied that the affidavit required by subsection 1 sets out the true value of the consideration for the conveyance, he may refuse to register the conveyance to which the affidavit relates until the Minister has signified over his signature that he is satisfied that the value of the consideration stated in the affidavit is the true value of the consideration. Affidavit to be referred to Minister

(6) Where a conveyance is tendered for registration without the affidavit required by subsection 3, tax is payable at the rate provided in subsection 2 of section 2, and the collector shall not register the conveyance until such tax is paid, but if it is subsequently established to the satisfaction of the Minister that, had the affidavit required by subsection 3 been furnished to the collector, tax would have been payable as provided in subsection 1 of section 2, the Minister may refund the amount paid under this subsection in excess of the tax provided for in subsection 1 of section 2. Tax payable when affidavit under subs. 3 not furnished

5.—(1) Where the right of the collector to require payment of the tax is disputed by the person tendering a conveyance for registration, the tax may be paid under protest and the collector shall give a receipt in writing signed by him for the amount paid and stating that it was paid under protest, and he shall thereupon refer the matter for the decision of the Minister or of such official as the Minister appoints, who may order the refund of the tax or any part thereof to the person who paid it. Payment of tax under protest

(2) In any dispute over the liability to tax of any person, the Minister may, after the tax has been paid, and if the dispute involves the interpretation of a provision of this Act, or involves an issue of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined. Determination of issues of law

6.—(1) Upon this Act receiving Royal Assent, every tax payable under this Act as a result of the tender of any Lien for tax

conveyance for registration after the 9th day of April, 1974 and before the day on which this Act receives Royal Assent that was not paid as herein provided for shall form a special lien upon the land conveyed by any such conveyance, and the special lien shall be in favour of Her Majesty in right of Ontario and has complete priority over every encumbrance of whatsoever kind that affects the land and that arose or came into existence on or after the 9th day of April, 1974 as part of or subsequent to the transaction or series of transactions that resulted in the tender for registration of the conveyance evidencing or carrying into effect the transaction or series of transactions.

Expiry of lien

(2) The special lien conferred on the Crown by this section expires on the 30th day of September, 1974, unless prior to the expiry of the special lien, there is registered against the land affected by the special lien a notice of lien in prescribed form.

Notice of intended sale

(3) Before the issue of a warrant under subsection 4, the Minister shall send by mail or by registered mail, or deliver by personal service, a notice to all persons who have an interest, encumbrance or charge registered under the land titles system or the registry system against the land for the sale of which the warrant is to be issued that he intends to have the land that is subject to the special lien conferred by this Act sold pursuant to subsection 4, and such notice shall be given not less than thirty days or more than sixty days before the issue of the warrant, and shall be sent, in the case of a notice sent by mail, to the latest known address of each person to whom notice is to be given and to such other address as, in the opinion of the Minister, may be more likely to bring the notice to the person's attention.

Recovery of lien by sale

(4) Subject to subsection 3, the Minister may, by his warrant directed to the sheriff of the county, district or judicial district in which is situate any land that is subject to the special lien conferred by this Act, require the sheriff to sell the land within six months or such longer period as is stated in the warrant, and the sheriff, upon receiving the warrant, shall proceed within the period specified to sell the land in the same manner as for a sale under a writ of execution issued out of the Supreme Court, and any person purchasing from the sheriff at such a sale shall take good title to the land free and clear of all encumbrances and claims of any kind of all persons whatsoever that do not have priority over the special lien but subject to all the rights and encumbrances of persons who have an interest in the land that have priority over the special lien.

Idem (5) The proceeds of sale received by the sheriff from a sale under a warrant authorized by subsection 4 shall be applied first to pay the costs and expenses of the sheriff in conducting the sale and next in payment of the amount of tax that was a special lien on the land conferred by this Act, and any surplus thereafter remaining shall be paid, in order of their priorities, to those whose rights in the land were subject to the special lien, and, if the order of those priorities cannot be established by the sheriff, shall be paid into court to be dealt with as the court shall direct.

Right to discharge lien (6) At any time prior to a sale authorized by subsection 4, any person interested in the land affected by the special lien conferred by this Act may pay to the Minister a sum sufficient to discharge the special lien, and if the special lien is discharged by some person having an encumbrance against the land, the amount accepted by the Minister may be added to that person's encumbrance and shall, for all purposes and in every court, thereafter be treated as part of the encumbrance and shall bear interest at the rate provided for in the encumbrance and shall be collectable in the same way as the encumbrance is enforceable.

Waiver of lien (7) Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of any land any special lien conferred by this Act.

Offence **7.**—(1) Every person who knowingly contravenes any provision of this Act or who knowingly makes an affidavit required by this Act that falsely discloses the value of the consideration for any conveyance of land or falsely states that a person who is a non-resident person is not a non-resident person, is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of tax that was not paid to the collector as provided for in this Act plus an amount of not less than $50 and not more than $1,000.

Compliance how proved (2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Information when to be laid (3) An information in respect of an offence under this Act shall be laid within six years of the time when the matter of the information arose.

Refund

8.—(1) Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, the Minister may, upon receipt of satisfactory evidence that the amount was wrongly paid, authorize the Treasurer to refund such amount or any part thereof, but no refund shall be made unless it is applied for within three years after the date of the payment of any amount that is alleged not to have been payable as tax under this Act.

Idem

(2) Where a conveyance has been tendered for registration that conveys land both to non-resident persons and to persons who are not non-resident persons, the Minister may refund to the persons who are not non-resident persons an amount equal to the difference between,

(*a*) the amount that would result from the application of the rates of tax in subsection 1 of section 2 to the value of the consideration attributable in the opinion of the Minister to the land conveyed to persons who are not non-resident persons; and

(*b*) the amount of tax paid on the value of the consideration attributable in the opinion of the Minister to land conveyed to persons who are not non-resident persons,

but no refund under this subsection shall be made if the land is held in joint tenancy by the non-resident person and the persons who are not non-resident persons or if the Minister is of the opinion that the land conveyed to persons who are not non-resident persons cannot readily be distinguished from the land conveyed to non-resident persons.

Investigation

9.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are or should be kept and,

(*a*) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or to the amount of tax payable under this Act;

(*b*) examine property described in any conveyance or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of any affidavit required by this Act or in ascertaining the information that is or should be in the books or records or in such affidavit, or the amount of any tax payable under this Act;

(*c*) require any officer, director, agent or representative of a transferee a conveyance to whom has been registered as a result of which there may be a possible liability to pay tax under this Act, and any person on the premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and

(*d*) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations made under this Act, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem (2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person any information or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine the liablity or possible liability to tax under this Act.

Copies as evidence (3) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy

made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Compliance

(4) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Offence

(5) Every person who has failed to comply with or has contravened this section is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of $25 for each day during which the default continues.

Form of affidavit

R.S.O. 1970, c. 235

10. Until a different form is prescribed, the form of affidavit prescribed by Ontario Regulation 251/73 made under *The Land Transfer Tax Act* shall be the form of affidavit required by subsection 1 of section 4.

Administration of oaths

R.S.O. 1970, cc. 234, 409

11. A person authorized to administer an oath under *The Land Titles Act* or *The Registry Act* may administer an oath for any of the purposes of this Act.

Assessment

12.—(1) Where any person responsible for the payment of tax fails to pay it as required under this Act, the Minister may make an assessment of the tax for which such person is responsible and which has not been paid.

Notice of assessment

(2) Where the Minister has made an assessment under subsection 1, he shall send by mail or by registered mail or deliver by personal service a notice of assessment to the person so assessed, and the amount of the assessment shall be remitted to the Minister by the person so assessed within thirty days from the date of mailing or delivery of the notice of assessment.

Idem

(3) Where the Minister has made an assessment under subsection 1, the notice of assessment may provide that the amount assessed is payable forthwith.

Assessment from time to time

(4) The Minister may, at any time he considers reasonable, assess or reassess any tax payable by any person under this Act.

Assessment on inspection

(5) Where it appears from an inspection, audit or examination of the books of account, records or documents of any person that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of the tax.

Notice of assessment under subs. 4 or 5

(6) The Minister shall send by mail or by registered mail or deliver by personal service a notice of the assessment made under subsection 4 or 5 to the person so assessed at his latest known address, and the notice may provide that the amount assessed is payable forthwith.

Liability to tax not affected

(7) Liability for tax is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made.

Minister not bound by information

(8) The Minister is not bound by any information delivered by or on behalf of any person responsible for the payment of the tax and may, notwithstanding any information that has been delivered or if no information has been delivered, assess the tax payable under this Act.

Assessment valid and binding

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Idem

(10) The amount of any assessment is payable within the time required by the notice of assessment whether or not an objection or appeal from the assessment is made or taken.

Notice of objection

13.—(1) Where a person objects to an assessment made under section 12 he may, within ninety days after the day of mailing or delivery by personal service of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister.

Reconsideration

(3) Upon receipt of a notice of objection, the Minister shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the person who has made the objection of his action by registered mail.

Appeal

14.—(1) After the Minister has given the notification required by subsection 3 of section 13, a person who has served notice of objection under section 13 may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day on which notice has been mailed to such person under subsection 3 of section 13 and an appeal under this section shall not be made to the Divisional Court.

Appeal, how instituted

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or with the Local Registrar of the Supreme Court for the county, district or judicial district in which is situate the designated land the tax imposed on which is under appeal.

Service

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Contents of notice of appeal

(4) The person appealing shall set out in his notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in support of his appeal.

Reply to notice of appeal

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due despatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he considers relevant.

Matter deemed action

(6) Upon the filing in the Supreme Court of the material referred to in subsection 5, the matter shall be deemed to be an action in the court, and the practice and procedure of the court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under this subsection, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

Disposition of appeal

(7) The court may dispose of an appeal by allowing it, by dismissing it, or by allowing it in part and directing the Minister to vacate the assessment, vary the assessment or reconsider the assessment and reassess as indicated by the judgment of the court.

Idem

(8) In delivering judgment disposing of an appeal, the court may order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to costs as is considered proper.

Irregularities

(9) No assessment shall be vacated or varied on appeal by reason only of an irregularity, informality, omission or error on the part of any person in the observance of any directory provision of this Act.

Extension of time

(10) The time within which a notice of objection under subsection 1 of section 13 or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be.

Interest on unpaid tax

15.—(1) Where the tax imposed by this Act is not paid at the time provided for, interest on the unpaid tax shall be paid to the Treasurer at the rate of 9 per cent per annum or at such other rate as may be prescribed by the Lieutenant Governor in Council by regulation but no interest is payable for any period of time prior to the day upon which this Act receives Royal Assent.

Application of payment

(2) Any payment received by the Treasurer or a collector on account of any tax under this Act shall first be applied to any interest payable on the tax with respect to which the payment is made, but this subsection does not apply to payments on account of any fine or penalty payable under this Act.

Deferral or remission of tax on non-residents

16.—(1) Where tax has been paid or may be payable on the registration of a conveyance of land to a non-resident person, and that non-resident person satisfies the Minister that the land was or is to be acquired for the purpose of residential, commercial or industrial development and for resale to persons who are not non-resident persons, the Minister may, with the approval of the Lieutenant Governor in Council, defer the payment of the tax, or remit the tax paid, on such conditions as to the use and development of the land or otherwise as are considered advisable and sufficient to ensure the development of the land as proposed and its conveyance to persons who are not non-resident persons, and any tax deferred or remitted under this subsection constitutes a first lien and charge in favour of Her Majesty in right of Ontario on the land so acquired or to be acquired, and the lien and charge shall be effective upon registration by the Minister of a notice of such lien and charge, and the Minister may discharge the lien and charge in

whole or in part as the conditions that he has imposed are fulfilled.

Idem

(2) A deferral or remission under subsection 1, or a rebate under subsection 4, may not exceed the amount by which the rate of tax imposed by subsection 2 of section 2 exceeds the rate of tax imposed by subsection 1 of section 2, but may otherwise be for all or any part of the tax.

Deferred tax cancelled

(3) Where tax is deferred under subsection 1 upon conditions that are fulfilled, the amount of the tax so deferred is thereupon cancelled and no longer owing as tax under this Act, and where the conditions upon which any tax has been remitted under subsection 1 are not fulfilled, the tax so remitted thereupon becomes payable.

Rebate after foreclosure

(4) Where tax is paid under subsection 2 of section 2 as the result of the tender for registration of a final order of foreclosure under a mortgage or charge affecting land, and where the mortgagee or chargee who acquires the beneficial interest in the land by virtue of the final order of foreclosure sells, within three years after the date on which the final order of foreclosure was given, all or any part of the land so acquired to a person who is not a non-resident person, the Minister may, subject to subsection 2, rebate to the mortgagee or chargee the tax that was paid on the tender for registration of the final order of foreclosure and that is, in the opinion of the Minister, referable to the value of the consideration for the final order of foreclosure attributable to the portion of the land sold, and in addition to the amount of the rebate, the Minister may authorize payment to the mortgagee or chargee to whom the rebate is made of interest on the amount rebated at the rate of 4 per cent per annum or at such other rate as may be prescribed by the Lieutenant Governor in Council by regulation.

When tax not payable under this Act

17. Where a conveyance is tendered for registration,

(*a*) after the 9th day of April, 1974 and before the 16th day of May, 1974, and is the result of an agreement that is proved to the satisfaction of the Minister to have been reduced to writing and executed by the parties to it before the 10th day of April, 1974; or

(*b*) after the 15th day of May, 1974, and is the result of an agreement that is proved to the satisfaction of the Minister to have been reduced to writing and executed by the parties to it before the 10th day of

April, 1974 and that has been filed with the Minister before the 16th day of May, 1974,

the tax payable by the person tendering the conveyance for registration shall be the tax provided for in *The Land Transfer Tax Act*, as amended by *The Land Transfer Tax Amendment Act, 1972*, notwithstanding the repeal of those Acts, and the tax provided for in this Act does not apply to the person tendering the conveyance for registration.

R.S.O. 1970, c. 235
1972, c. 15

18.—(1) The Minister may make regulations, Regulations

(*a*) prescribing any form required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any prescribed form shall be completed and what information it shall contain;

(*b*) repealing Form 1 and substituting another Form therefor.

(2) The Lieutenant Governor in Council may make regulations, Idem

(*a*) exempting from tax any person tendering for registration any class of conveyance to which it is determined that this Act was not intended to apply, or any conveyance to persons prescribed for the purpose of this clause;

(*b*) providing for the collection of tax, the appointment of persons other than collectors to collect the tax, and establishing procedures for the collection of the tax;

(*c*) providing for the refund of tax in whole or in part owing to special circumstances, and prescribing the terms and conditions under which such refund may be made;

(*d*) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act;

(*e*) providing for the method of calculating and ascertaining the value of the consideration in any case or class of cases;

(*f*) authorizing any person or persons, on such conditions and subject to such rules as may be specified,

to exempt from the tax or any part thereof imposed by subsection 2 of section 2, or to refund such tax or any part thereof to, any person tendering for registration any class of conveyance to which it is determined that this Act was not intended to apply, or any conveyance to any non-resident person;

(*g*) providing for the payment of interest on any refund or rebate of tax authorized by this Act or the regulations, and prescribing the rate of such interest and the method by which it is to be calculated;

(*h*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Idem

(3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Acts repealed

19. *The Land Transfer Tax Act*, being chapter 235 of the Revised Statutes of Ontario, 1970, and *The Land Transfer Tax Amendment Act, 1972*, being chapter 15, are repealed.

Commencement

20.—(1) Upon receiving Royal Assent, this Act shall be deemed to have come into force on the 10th day of April, 1974, and the tax imposed by this Act shall be levied and paid as herein provided notwithstanding that this Act receives Royal Assent after the 10th day of April, 1974.

Application

(2) Where any act or thing that is required by this Act is done or omitted to be done on or after the 10th day of April, 1974 and before the day upon which this Act receives Royal Assent, the fact that this Act was not in force at the time the act or thing was done or omitted to be done shall not relieve any person from the liability to tax imposed by this Act or from liability to any penalty or offence provided for in this Act.

Short title

21. This Act may be cited as *The Land Transfer Tax Act, 1974*.

Form 1

The Land Transfer Tax Act, 1974

AFFIDAVIT OF RESIDENCE

IN THE MATTER OF THE CONVEYANCE OF.....

.....

.....

.....

(*insert brief description of land*)

TO.....

(*insert names of all transferees*)

I,.....of.....

(*print name*)

.....

(*print address*)

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent):

(*a*) A person to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed ☐

(*b*) One of the trustees named in the above-described conveyance to whom the land is being conveyed ☐

(*c*) A transferee named in the above-described conveyance ☐

(*d*) An agent authorized in writing to act for ☐

.....who is a person described in
(*insert name of principal*)

paragraph.....above (insert only one of paragraph (*a*), (*b*), or (*c*) above

(*e*) The solicitor acting in this matter for ☐

.....who is a person described in
(*insert name of client*)

paragraph.....above (insert only one of paragraph (*a*), (*b*) or (*c*) above);

and as such, I have personal knowledge of the facts herein deposed to.

2. None of the transferees to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed is, within the meaning of the Act, a non-resident person (strike out this paragraph if inapplicable).

3. The following persons to whom or in trust for whom the land conveyed in the above-described conveyance is being conveyed are non-resident persons within the meaning of the Act.

.....

.....

.....

(insert the name and place of residence—or in the case of a corporation, the place of incorporation—of any transferee who is a non-resident person. If space is insufficient, attach a list of those transferees who are non-resident persons.)

4. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses *f* and *g* of subsection 1 of section 1 of the Act.

Sworn before me
in the
of
this
day of 19

A Commissioner, etc.

CHAPTER 9

An Act to amend The Territorial Division Act

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 5 of section 1 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1, par. 5, re-enacted

5.—THE REGIONAL MUNICIPALITY OF DURHAM Durham

consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Durham Act, 1973*. 1973, c. 78

(2) Paragraph 12 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 12, re-enacted

12.—THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK Haldimand-Norfolk

consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Haldimand-Norfolk Act, 1973*. 1973, c. 96

(3) Paragraph 13 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 13, re-enacted

13.—THE REGIONAL MUNICIPALITY OF HALTON Halton

consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Halton Act, 1973*. 1973, c. 70

(4) The said section 1 is amended by adding thereto the following paragraph: s. 1, amended

Hamilton-Wentworth

13A.—THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

consists of the municipalities from time to time included in the Regional Area as defined in *The Regional Municipality of Hamilton-Wentworth Act, 1973*.

1973, c. 74

s. 1, par. 18 (*d*), re-enacted

(5) Clause *d* of paragraph 18 of the said section 1 is repealed and the following substituted therefor:

(*d*) the townships of,

Bathurst,	Montague,
Beckwith,	North Burgess,
Darling,	North Elmsley,
Drummond,	Pakenham,
Lanark,	Ramsay,
Lavant, Dalhousie and North Sherbrooke,	South Sherbrooke.

s. 1, par. 23, repealed

(6) Paragraph 23 of the said section 1 is repealed.

s. 1, par. 24 (*a*), amended

(7) Clause *a* of paragraph 24 of the said section 1 is amended by adding at the end thereof "Port Hope".

s. 1, par. 24 (*c*), amended

(8) Clause *c* of paragraph 24 of the said section 1 is amended by inserting after "Hamilton" in the first column "Hope" and by striking out "South Monaghan" in the second column.

s. 1, par. 25, repealed

(9) Paragraph 25 of the said section 1 is repealed.

s. 1, par. 28, re-enacted

(10) Paragraph 28 of the said section 1 is repealed and the following substituted therefor:

Peel

28.—THE REGIONAL MUNICIPALITY OF PEEL

consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Peel Act, 1973*.

1973, c. 60

s. 1, par. 30 (*b*), amended

(11) Clause *b* of paragraph 30 of the said section 1 is amended by inserting after "Lakefield" in the first line "Millbrook".

s. 1, par. 30 (*c*), amended

(12) Clause *c* of paragraph 30 of the said section 1 is amended by inserting after "Burleigh and Anstruther" in the first column "Cavan" and by inserting after "Smith" in the second column "South Monaghan".

s. 1, par. 35 (*b*), amended

(13) Clause *b* of paragraph 35 of the said section 1 is amended by adding at the end thereof "Wasaga Beach".

(14) Clause *c* of paragraph 35 of the said section 1 is amended by striking out "Wasaga Beach" in the third line. s. 1, par. 35 (*c*), amended

(15) Clause *d* of paragraph 35 of the said section 1 is amended by inserting after "Innisfil" in the first column "Mara" and by inserting after "Oro" in the second column "Rama". s. 1, par. 35 (*d*), amended

(16) Clause *c* of paragraph 38 of the said section 1 is amended by inserting after "Laxton, Digby and Longford" in the second column "Manvers". s. 1, par. 38 (*c*), amended

(17) Paragraph 39 of the said section 1 is repealed and the following substituted therefor: s. 1, par. 39, re-enacted

39.—THE REGIONAL MUNICIPALITY OF WATERLOO Waterloo

consists of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Waterloo Act, 1972*. 1972, c. 105

(18) Paragraph 41 of the said section 1 is repealed. s. 1, par. 41, repealed

(19) Paragraph 45 of the said section 1 is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: s. 1, par. 45, amended

(*a*) the City of Timmins.

(20) Clause *aa* of paragraph 45 of the said section 1, as relettered by subsection 19, is amended by striking out "Timmins" in the second line. s. 1, par. 45 (*aa*), amended

(21) Clause *b* of paragraph 45 of the said section 1 is amended by inserting after, s. 1, par. 45 (*b*), amended

(*a*) "Adair" in the first column "Adams";

(*b*) "Belford" in the first column "Ben Nevis";

(*c*) "Beniah" in the first column "Benoit";

(*d*) "Birdsall" in the first column "Bisley, Black, Blackstock";

(*e*) "Eilber" in the first column "Eldorado";

(*f*) "Pliny" in the first column "Pontiac";

(*g*) "Poulett" in the first column "Price";

(*h*) "Jessop" in the second column "Keefer";

(*i*) "Clergue" in the third column "Clifford";

(*j*) "Dempsay" in the third column "Denton";

(*k*) "Langemarck" in the third column "Langmuir";

(*l*) "McCuaig" in the third column "McEvay";

(*m*) "McQuibban" in the third column "Melba";

(*n*) "Thorning" in the third column "Thornloe, Timmins"; and

(*o*) "Tolmie" in the third column "Tolstoi".

s. 1, par. 45, amended

(22) The description immediately following clause *b* of paragraph 45 of the said section 1 is amended by striking out "Dokis" in the sixteenth line and inserting in lieu thereof "Pontiac", by striking out "Whitesides" in the seventeenth line and inserting in lieu thereof "Keefer" and by striking out "Township of Whitesides to the northwest corner thereof" in the eighteenth and nineteenth lines and inserting in lieu thereof "townships of Keefer and Whitesides to the northwest corner of the Township of Whitesides".

s. 1, par. 49 (*c*), amended

(23) Clause *c* of paragraph 49 of the said section 1 is amended by inserting after "Field" in the third column "Finlayson (part)".

s. 1, par. 49, amended

(24) The description immediately following clause *c* of paragraph 49 of the said section 1 is amended by striking out "southwesterly corner of the last-mentioned township; thence northerly along the westerly boundary of the Township of Finlayson to the northwesterly corner thereof; thence easterly along the northerly boundary of the Township of Finlayson in the Territorial District of Nipissing" in the sixty-first, sixty-second, sixty-third, sixty-fourth and sixty-fifth lines and inserting in lieu thereof "easterly limit of the Township of Lake of Bays; thence northerly along the easterly boundary of the Township of Lake of Bays to the northeasterly corner thereof; thence westerly along the northerly boundary of the Township of Lake of Bays in the Territorial District of Muskoka".

s. 1, par. 52 (*a*, *b*), re-enacted

(25) Clauses *a* and *b* of paragraph 52 of the said section 1 are repealed and the following substituted therefor:

(*a*) The Regional Municipality of Sudbury composed of the municipalities from time to time included

within the Regional Area as defined in *The Regional Municipality of Sudbury Act, 1972*; 1972, c. 104

(*b*) the towns of Espanola, Massey, Webbwood.

(26) Clause *a* of paragraph 54 of the said section 1 is amended by inserting after "Haileybury" in the first line "Kirkland Lake". s. 1, par. 54 (*a*), amended

(27) Clause *c* of paragraph 54 of the said section 1 is amended by striking out "Adams", "Ben Nevis", "Benoit", "Eldorado", "Keefer" and "Langmuir" in the first column, by striking out "Bisley", "Black", "Blackstock", "McEvay" and "Melba" in the second column and by striking out "Clifford", "Denton", "Pontiac", "Price", "Thorneloe", "Timmins" and "Tolstoi" in the third column. s. 1, par. 54 (*c*), amended

(28) The description immediately following clause *c* of paragraph 54 of the said section 1 is amended by striking out "Pharand, Hillary and Keefer" in the twenty-second line and inserting in lieu thereof "Pharand and Hillary" and by striking out "north" in the twenty-fourth line and inserting in lieu thereof "south". s. 1, par. 54, amended

2.—(1) Clause *a* of paragraph 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2, par. 1 (*a*), re-enacted

(*a*) the improvement districts of the North Shore and White River.

(2) Clause *b* of paragraph 1 of the said section 2 is amended by striking out "Macdonald and Meredith" in the second column and inserting in lieu thereof "Macdonald, Meredith and Aberdeen Additional". s. 2, par. 1 (*b*), amended

(3) Clause *a* of paragraph 2 of the said section 2 is repealed. s. 2, par. 2 (*a*), repealed

(4) Clause *b* of paragraph 2 of the said section 2 is repealed and the following substituted therefor: s. 2, par. 2 (*b*), re-enacted

(*b*) the townships of,

Black River-Matheson,	Kendrey,
Fauquier,	Owens, Williamson and Idington,
Glackmeyer,	Shackleton and Machin.

(5) Clause *a* of paragraph 3 of the said section 2 is amended by striking out "Ear Falls" in the first and second lines. s. 2, par. 3 (*a*), amended

s. 2, par. 3 (*b*), re-enacted

(6) Clause *b* of paragraph 3 of the said section 2 is repealed and the following substituted therefor:

(*b*) the townships of,

Ear Falls,
Ignace,
Jaffray and Melick,
Machin,
Red Lake.

s. 2, par. 8 (*a*), repealed

(7) Clause *a* of paragraph 8 of the said section 2 is repealed.

s. 2, par. 8 (*b*), re-enacted

(8) Clause *b* of paragraph 8 of the said section 2 is repealed and the following substituted therefor:

(*b*) the townships of,

Baldwin,
Casimir, Jennings and Appleby,
Chapleau,
Cosby, Mason and Martland,
Hagar,
Hallam,
Nairn,
Ratter and Dunnet,
Salter, May and Harrow.

s. 2, par. 10 (*a*), re-enacted

(9) Clause *a* of paragraph 10 of the said section 2 is repealed and the following substituted therefor:

(*a*) the Improvement District of Gauthier.

s. 2, par. 10 (*b*), amended

(10) Clause *b* of paragraph 10 of the said section 2 is amended by striking out "Teck" in the third column.

s. 4 (1), par. 3, repealed

3. Paragraph 3 of subsection 1 of section 4 of the said Act is repealed.

s. 8 (2), re-enacted

4. Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor:

Exception

(2) Subsection 1 does not apply to that part of Ontario at the head of Lake Ontario lying west of the east boundary of The Municipality of Metropolitan Toronto, but in that part the limits of all townships on either side of the Lake extend to the following described line:

Commencing at a point where the east boundary of The Municipality of Metropolitan Toronto meets the International Boundary; thence westerly along the line of the International Boundary to the point of its angle southerly; thence westerly in a straight line to and along the centre line of the Burlington Canal to its point of entry into Hamilton Harbour.

5.—(1) This Act, except subsections 1 to 20 and 23 to 26 of section 1, subsection 1 and subsections 3 to 10 of section 2 and section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 23 and 24 of section 1 shall be deemed to have come into force on the 1st day of January, 1971. Idem

(3) Subsection 26 of section 1 and subsection 10 of section 2 shall be deemed to have come into force on the 1st day of January, 1972. Idem

(4) Subsections 17, 19, 20 and 25 of section 1 and subsections 3 to 9 of section 2 shall be deemed to have come into force on the 1st day of January, 1973. Idem

(5) Subsection 1 of section 2 shall be deemed to have come into force on the 1st day of March, 1973. Idem

(6) Subsections 1, 3, 4, 5, 7 to 16 and 18 of section 1 and section 3 shall be deemed to have come into force on the 1st day of January, 1974. Idem

(7) Subsections 2 and 6 of section 1 shall be deemed to have come into force on the 1st day of April, 1974. Idem

6. This Act may be cited as *The Territorial Division Amendment Act, 1974*. Short title

CHAPTER 10

An Act to amend The Regional Municipality of Haldimand-Norfolk Act, 1973

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 55 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed. s. 55 (5), repealed

2. Section 58 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection: s. 58, amended

(4) Where any application pending before a land division committee or a committee of adjustment that is dissolved under subsection 1 has not been finally disposed of on or before the 31st day of March, 1974, Disposition of pending applications

(*a*) in the case of an application for a consent, the land division committee appointed under subsection 1 stands in the place and stead of the committee that is dissolved; and

(*b*) in the case of an application in respect of any matter other than a consent, the committee of adjustment appointed under subsection 1 stands in the place and stead of the committee that is dissolved,

for the purpose of completing the disposition of such application.

3. Section 139 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection: s. 139, amended

Jarvis Village council to be deemed Hydro-Electric Commission R.S.O. 1970, c. 390

(6) The members of the council of the Village of Jarvis, as it exists on the 31st day of March, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Village of Jarvis Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Jarvis, which shall be deemed to be a local board of the area municipality of the City of Nanticoke, and all rights and obligations of the Village of Jarvis in relation to the Village of Jarvis Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Jarvis.

Commencement

4. This Act shall be deemed to have come into force on the 1st day of April, 1974.

Short title

5. This Act may be cited as *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1974*.

CHAPTER 11

An Act to provide for the Annexation of certain Lands to the City of Cornwall

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The portion of the Township of Cornwall described in Schedule A hereto is hereby annexed to the City of Cornwall. Portion of Township of Cornwall annexed to the City of Cornwall

2. For the purposes of every Act, the annexation provided for in section 1 shall be deemed to have been effected by order of the Ontario Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this Act comes into force pursuant to application made under section 14 of *The Municipal Act*, and the Ontario Municipal Board upon the application of the City of Cornwall or the Township of Cornwall or any local board thereof or of its own motion may exercise its powers consequent upon such annexation and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers. Annexation deemed by Ontario Municipal Board orders R.S.O. 1970, cc. 323, 284

3.—(1) Notwithstanding the provisions of any official plan or any by-law passed under section 35 of *The Planning Act*, the land described in Schedules A and B hereto, shall be deemed to be zoned for industrial purposes. Lands deemed zoned industrial R.S.O. 1970, c. 349

(2) Nothing in this Act derogates from the powers conferred upon the Minister under clause *a* of subsection 1 of section 32 of *The Planning Act*. Non-application of Act to R.S.O. 1970, c. 349, s. 32 (1) (*a*)

4. This Act shall be deemed to have come into force on the 1st day of May, 1974. Commencement

5. This Act may be cited as *The City of Cornwall Annexation Act, 1974*. Short title

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Cornwall in the County of Stormont and being composed of the whole of Block B according to a plan registered in the land registry office for the Registry Division of Stormont (No. 52) as No. 293.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Cornwall (formerly in the Township of Cornwall) in the County of Stormont and being composed of the whole of Block C according to a plan registered in the land registry office for the Registry Division of Stormont (No. 52) as No. 293.

CHAPTER 12

An Act to amend The Ontario Educational Communications Authority Act

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 2 (1), amended

1. Subsection 1 of section 2 of *The Ontario Educational Communications Authority Act*, being chapter 311 of the Revised Statutes of Ontario, 1970, is amended by striking out "and of the remaining twelve members, not fewer than three and not more than four shall be members of the public service of Ontario" in the third, fourth, fifth and sixth lines and inserting in lieu thereof "and no members shall be civil servants".

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Educational Communications Authority Amendment Act, 1974*.

CHAPTER 13

An Act to amend The Master and Fellows of Massey College Act, 1960-61

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 5 of *The Master and Fellows of Massey College Act, 1960-61*, being chapter 53, is repealed and the following substituted therefor: s. 5 (*a*), re-enacted

(*a*) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of the Corporation who shall be students who have already acquired degrees and are studying for further degrees at the University of Toronto; and

. . . . .

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Master and Fellows of Massey College Amendment Act, 1974*. Short title

CHAPTER 14

An Act to amend The Ministry of Housing Act, 1973

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Housing Act, 1973*, being chapter 100, is amended by adding thereto the following section: s. 7*a*, enacted

7*a*. The Minister, with the approval of the Lieutenant Governor in Council, may take such measures as he considers appropriate to implement any recommendation made under section 7, including entering into agreement for such purpose with any municipality, including a metropolitan, regional or district municipality, or with any other person. Powers of Minister to implement recommendations

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ministry of Housing Amendment Act, 1974*. Short title

CHAPTER 15

An Act to amend The Financial Administration Act

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 54 (2), amended

1. Subsection 2 of section 54 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, is amended by striking out "authorize the Comptroller of Accounts" in the third and fourth lines and by striking out "to" in the fifth line and where it occurs in the first instance in the ninth line.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Financial Administration Amendment Act, 1974*.

CHAPTER 16

An Act to amend The Land Transfer Tax Act, 1974

Assented to May 9th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Land Transfer Tax Act, 1974*, being chapter 8, is repealed and the following substituted therefor: s. 17, re-enacted

17. Where it is established to the satisfaction of the Minister that, prior to the 10th day of April, 1974, there existed, When tax under s. 2 (2) not to apply

(*a*) a written agreement conveying, or providing for the conveyance of, land either at a definite price or consideration the amount or value of which is set out in the agreement or at a price or consideration the amount or value of which is determinable under the agreement by reference only to a valuation as of a date not later than the 9th day of April, 1974; or

(*b*) a conveyance that was fully executed and was irrevocably and unconditionally delivered to the transferee or to some person on behalf of the transferee,

the person tendering for registration after the 9th day of April, 1974 a conveyance that is, or is provided for in, an agreement described in clause *a*, or that is a conveyance described in clause *b*, is, notwithstanding that such conveyance is to or in trust for a non-resident person, liable to pay tax under this Act only at the rates provided for in subsection 1 of section 2.

2. This Act shall be deemed to have come into force on the 10th day of April, 1974. Commencement

3. This Act may be cited as *The Land Transfer Tax Amendment Act, 1974*. Short title

CHAPTER 17

An Act to impose a Tax on Land in respect of certain speculative Transactions affecting the Control or Ownership of Land

Assented to June 3rd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "adjusted value" means, in the case of any particular disposition of designated land to which the expression is being applied, the aggregate of,

(i) where the designated land was acquired by the transferor after the 9th day of April, 1974,

(A) otherwise than as described in subsubclause B, C or D, the cost to the transferor of its acquisition,

(B) under the will or on the intestacy of a person dying after the 9th day of April, 1974, the fair market value of the designated land at the death of such person,

(C) the fair market value of the designated land at the time it was so acquired if it was so acquired,

1. by the transferor from a person or persons with whom the transferor was not dealing at arm's length at the time the designated land was so acquired by him,

2. by the transferor that is a corporation that so acquired the designated land in consideration of the allotment and issue of its shares,

3. by the transferor that is an organization, syndicate, association of persons, partnership, joint venture or corporation without share capital that so acquired the designated land in consideration of the admission to membership therein of any person, or

4. by the transferor by way of gift,

or

(D) as the result of a disposition described in clause *h* of section 4, the adjusted value applicable to the designated land on the first disposition of it after the 9th day of April, 1974, that was a disposition described in clause *h* of section 4 and made by a transferor of whose family the subsequent transferor is a member,

(ii) where the designated land was acquired by the transferor on or before the 9th day of April, 1974, the fair market value of the designated land ascertained as at the 9th day of April, 1974,

(iii) the cost of improvements made by the transferor to the designated land after the 9th day of April, 1974,

(iv) for each twelve-month period that does not commence earlier than the 9th day of April, 1974 during which the transferor owns the designated land prior to his disposition of it, the lesser of either,

(A) 10 per cent of the amount determined under either subclause i or ii, whichever is applicable, or

(B) the aggregate of,

1. the net maintenance costs incurred by the transferor after the 9th day of April, 1974 with respect to the designated land, and

2. the costs incurred by the transferor in connection with disposing of the designated land if it was acquired by him after the 9th day of April, 1974, or where it was acquired by him on or before that date, the proportion of the costs incurred by the transferor in connection with disposing of the designated land that is in the same ratio to the whole of such costs as the fair market value of the designated land at the 9th day of April, 1974 is of the proceeds of disposition of the designated land by the transferor,

and

(v) in the case of a disposition of designated land used in farming and to which clause *h* of section 4 does not apply, an amount equal to compound interest at the rate of 10 per cent per annum calculated with annual rests upon the amount determined under subclause i or ii, whichever is applicable to the transferor, for the number of years preceding the disposition and not including any period of time prior to the 9th day of April, 1974 throughout which farming was carried on on the designated land by the transferor making the disposition to which clause *h* of section 4 does not apply, or by any previous transferor of whose family the transferor making the disposition to which clause *h* of section 4 does not apply was a member, or by members of the family of such previous transferor, or by a farming corporation to which a disposition by such previous transferor would be a disposition described in clause *h* of section 4;

(*b*) "designated land" means all land situate in Ontario and every right, estate, interest, tenement or hereditament existing at law or in equity in, over, to, or affecting land or capable of being registered in any land registry office in Ontario, fixtures, and buildings or structures attached to land, whether or not owned by persons other than the owner of the freehold of the land to which they are attached,

but "designated land" does not include any land in Ontario that is, within the meaning of paragraph *c* of subsection 15 of section 66 of the *Income Tax Act* (Canada), "Canadian resource property", or an interest held in land solely as security for some indebtedness secured by the land;

1970-71, c. 63 (Can.)

(*c*) "dispose", "disposed of", and expressions of like import when used with reference to designated land, mean a disposition which has or is deemed to have occurred with respect to designated land;

(*d*) "disposition" includes,

(i) a sale or transfer, however effected, of any part of the beneficial interest in designated land,

(ii) the sale, transfer, or assignment of an option providing for the acquisition of designated land, or the transfer of designated land made to comply with the terms of any such option that has been exercised,

(iii) the entering into a lease or similar arrangement of any kind with respect to designated land where the term of the lease or arrangement, including any renewals or extensions thereof, may exceed ten years, and the sale, assignment or transfer of the rights under any such lease or arrangement exercisable by the lessee or in the case of an arrangement similar to a lease, by the person in a position similar to that of the lessee,

(iv) any change in the entitlement to, or any accretion to, the beneficial interest in designated land as a result of the death of any person,

(v) any change in the composition of, the membership of, or the persons beneficially interested in any organization, syndicate, association of persons, partnership, joint venture or corporation without share capital, 50 per cent or more of the assets of which consist of designated land, if the effect of such change is that control over the use of the designated land or the proceeds of its disposition or of a subsequent disposition is exercisable in fact by a different person or group of persons,

(vi) the sale or transfer in any manner of the beneficial interest in, or the allotment and issue of, shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are shares in the capital stock of a corporation 50 per cent or more of the assets of which consist of designated land, or

(vii) the amalgamation, merger, consolidation or any other like arrangement of any two or more corporations, 50 per cent or more of the assets of any one of which consist of designated land, that has the effect of making control over the use of the designated land or the proceeds of its disposition or of a subsequent disposition exercisable in fact, and whether directly or indirectly, by a different person or group of persons,

but for greater certainty "disposition" does not include any transfer of property for the purpose only of securing a debt or a loan, or any transfer by a creditor for the purpose only of returning property that had been used as security for a debt or a loan, or any transfer of property by virtue of which there is a change in the legal ownership of the property without any change in the beneficial ownership thereof;

(*e*) "farming" includes tillage of the soil, the breeding, raising or grazing of live stock of all kinds, the raising of poultry and the production of poultry products, fur farming, dairy farming, fruit growing, the growing of food for human consumption or for the feeding of live stock, and the keeping of bees;

(*f*) "farming corporation" means a corporation,

(i) every share of which that confers on the holder thereof the right to vote is, at the date of any disposition with respect to which the expression is being applied, owned either by the transferor making the disposition or by a member of his family, and

(ii) 95 per cent of the assets of which are "farming assets" within the meaning of section 17*a* of *The Succession Duty Act*; R.S.O. 1970, c. 449

(*g*) "member of the family" means grandparents, parents, uncles, aunts, the spouse, brothers, sisters, children, grandchildren, nephews, nieces, sons-in-law, daughters-in-law, mother-in-law or father-in-law of a person with respect to whom the expression is being applied;

(*h*) "Minister" means the Minister of Revenue;

(*i*) "municipality" includes a district, regional or metropolitan municipality, a local board, as defined in *The Municipal Affairs Act*, of any municipality, and an elementary or secondary school board or board of education having jurisdiction in territory without municipal organization;

R.S.O. 1970, c. 118

(*j*) "net maintenance costs" means all costs, including interest payments and property taxes, incurred in connection with the maintenance of the designated land to which the expression is being applied, other than costs incurred in connection with the disposition of designated land, and after deducting any income howsoever earned by the transferor from the designated land, including income from his own use of the designated land or from the granting of any right or interest therein, but no deduction shall be made with respect to income earned from farming the designated land by a farmer who is carrying on farming thereon and whose chief source of income is from farming and who owns the designated land;

(*k*) "prescribed" means prescribed by regulation;

(*l*) "proceeds of disposition" means,

(i) the gross sale price or any other consideration given for the disposition of designated land or received by the transferor of designated land, the assumption, undertaking, extinguishment or release of any liability of the transferor or affecting designated land disposed of, and the value of any benefit of whatsoever kind conferred on the transferor or on some person at the direction of the transferor as part of the arrangement relating to the disposition of designated land,

(ii) where designated land is transferred to comply with the terms of an option that provides for the acquisition of the designated land and that has been exercised, the value

of the consideration given for the granting of the option, plus the value of the cost provided for in the option of acquiring the designated land upon the exercise of the option, or

(iii) an amount equal to the fair market value of the designated land disposed of where the disposition is,

(A) by a transferor to a person or persons with whom the transferor is not dealing at arm's length at the time of the disposition,

(B) to a corporation in consideration of the allotment and issue of its shares,

(C) to an organization, syndicate, association of persons, partnership, joint venture or corporation without share capital in consideration of the admission to membership therein of any person, or

(D) by way of gift,

but no proceeds of disposition arise on a disposition under the last will and testament of any person or on the intestacy of any person;

(*m*) "regulation" means a regulation made under this Act;

(*n*) "tax" unless expressly otherwise restricted, means the taxes imposed by this Act and the interest payable thereon;

(*o*) "taxable value" when used in relation to designated land means the amount by which the proceeds of disposition of designated land exceed the adjusted value of that designated land at the time of its disposition, and the taxable value of designated land shall be computed separately for each disposition of designated land;

(*p*) "transferor" means,

(i) except as provided in subclause ii, iii or iv, the person or persons who make or

effect any disposition with respect to designated land with respect to which the expression "transferor" is being applied,

(ii) in the case of the disposition of any beneficial interest in designated land held in trust, the person or persons who is or are, immediately prior to the making of such disposition, entitled under the trust to have the designated land or the proceeds of its sale held for his or their benefit, or if no such person can be identified, every person who is a beneficiary under a trust extending to designated land the beneficial interest in which is disposed of,

(iii) in the case of a disposition described in subclause iv of clause *d*, the person or persons who is or are, immediately after the disposition, beneficially interested in the designated land with respect to which such disposition has occurred, or

(iv) in the case of a disposition described in subclause v, vi or vii of clause *d*, the person or persons who is or are, immediately prior to the occurrence of such disposition, beneficially interested in the designated land with respect to which such disposition has occurred,

and every disposition of or with respect to designated land shall be deemed to be made by the person or persons by this clause defined to be a "transferor" with respect to the disposition;

(*q*) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Idem 1970-71, c. 63 (Can.)

(2) Persons who, for the purposes of the *Income Tax Act* (Canada), would not be considered as dealing at arm's length shall not be considered to deal at arm's length for the purposes of this Act.

Idem

(3) For the purpose of this Act, "disposition" includes any arrangement or ordering in the nature of a disposition, whether by one transaction or a number of transactions effected for the purpose, that in any manner effectively changes the identity of the persons who are entitled in fact or in law to control or derive a profit from designated land or its disposition.

Idem

(4) For greater certainty, it is declared that where a disposition described in subclause v, vi or vii of clause *d* of subsection 1 occurs, it is deemed to be a disposition of or with respect to any designated land referred to in that one of the said subclauses that describes the disposition that has occurred.

Control defined

(5) For the purpose of this Act, "control" means control by another corporation, individual or trust that is in fact exercising effective control either directly or indirectly and either through the holding of shares of the corporation or of any other corporation or through the holding of a significant portion of any class of shares of the corporation or of the outstanding debt of the corporation or of any shareholder or member of the corporation, or by any other means whether of a like or different nature.

Distribution on winding up of corporation

(6) Where designated land is disposed of by a corporation, 50 per cent or more of the assets of which consist of designated land, to its shareholders as a part of the winding up or dissolution of the corporation, the adjusted value of the designated land on the first subsequent disposition of it by such shareholders shall be computed as though the corporation, whether or not then in existence, and such shareholders were the same person.

Apportionment

(7) Where, on the disposition of any designated land, the adjusted value applicable to the designated land disposed of is determinable or ascertainable by reference to a larger amount of designated land of which that being disposed of is only a part, the adjusted value applicable to the designated land being disposed of shall be apportioned in such reasonable manner as will reflect the proportional value that the designated land disposed of is to the value of the larger amount of designated land.

Idem

(8) For the purpose of subclause iv of clause *a* of subsection 1, where the number of months (excluding any period of time prior to the 9th day of April, 1974) during which the transferor owned the designated land prior to his disposition of it exceeds the largest number of such months that is exactly divisible by twelve,

(*a*) sub-subclause A of the said subclause iv applies to such excess number of months as though the number ten appearing in sub-subclause A were that number that is in the same ratio to ten as the number of such excess months is to twelve; and

(*b*) paragraph 1 of sub-subclause B of the said subclause iv applies to include net maintenance costs incurred

by the transferor during such excess number of months.

Application of Act to certain dispositions

(9) For the purposes of clause *a*, *l* or *o* of subsection 1, or of subsection 8, where after the 9th day of April, 1974, a disposition described in subclause v, vi or vii of clause *d* of subsection 1 occurs of or with respect to designated land, the person or persons who is or are, immediately prior to the occurrence of such disposition, beneficially interested in the designated land with respect to which such disposition has occurred, shall be deemed to have disposed of it for proceeds of disposition equal to the amount of the fair market value of the designated land at the time of such disposition, and the person or persons who is or are, immediately following the occurrence of such disposition, beneficially interested in the designated land with respect to which such disposition has occurred, shall be deemed to have acquired the designated land for an amount equal to the amount of its fair market value at the time of such disposition, and for the purpose of determining the adjusted value of the designated land on the occurrence of the next subsequent disposition of it, subsection 8 and subclauses iii, iv and, where applicable, v of clause *a* of subsection 1 apply only to the period ending at the time of the next subsequent disposition of it and commencing at the time when the transferor making such next subsequent disposition was last deemed to have acquired the designated land.

Tax on designated land

2.—(1) Subject to section 4, where, after the 9th day of April, 1974, any disposition of designated land occurs, there shall be imposed and levied, for the uses of Her Majesty in right of Ontario, upon the designated land with respect to which such disposition occurs a tax computed at the rate of 50 per cent of the taxable value of designated land with respect to which such disposition occurs.

Idem

(2) Where there is a disposition within the meaning of subclause vi or vii of clause *d* of subsection 1 of section 1 of any designated land and the result of the disposition is that control of the corporation beneficially interested in the designated land is exercisable by a person or a group of persons different from those by whom control of the corporation was exercisable before the disposition, there shall be imposed and levied, for the uses of Her Majesty in right of Ontario, upon the designated land a tax, in addition to the tax imposed by subsection 1, calculated on the proceeds of disposition and computed at the rate of 20 per cent of the proceeds of disposition where the corporation beneficially interested in the designated land is, immediately after the disposition

has occurred, a non-resident corporation as defined in *The Land Transfer Tax Act, 1974*. 1974, c. 8

(3) The tax is payable by the transferor of any designated land disposed of by him and shall be paid at the time of the disposition of the designated land, and if not then paid, the tax bears interest at the rate of 9 per cent per annum until a different rate is prescribed. Payment of tax

(4) The tax is payable to the Treasurer and shall be remitted to the Minister by the person responsible for its payment. Idem

3.—(1) An administrator, executor, trustee or person acting in a fiduciary capacity for the transferor of designated land that is disposed of is not, as such, personally liable for the tax, but no person in Ontario shall pay, deliver, assign or transfer to or for the benefit of the transferor or of any person at the direction of the transferor any money or property coming into his hands as administrator, executor, trustee or person acting in a fiduciary capacity and by reason of the disposition of designated land without deducting therefrom or collecting an amount sufficient to pay the tax on the designated land disposed of. Trustees not personally liable

(2) Every such administrator, executor, trustee or person acting in a fiduciary capacity for the transferor who, knowing that tax is payable, makes or permits any payment, delivery, assignment or transfer referred to in subsection 1 without deducting or collecting an amount sufficient to secure the tax is guilty of an offence and on summary conviction is liable to pay to the Treasurer as a penalty an amount equal to 150 per cent of the amount of such tax. Penalty

(3) An administrator, executor, trustee or person acting in a fiduciary capacity for the transferor who has deducted or collected any money on account of the tax shall remit it to the Minister and is deemed to be a person who has received money for the Crown or for which he is accountable to the Crown within the meaning of *The Financial Administration Act*. Tax held by trustee R.S.O. 1970, c. 166

4. No designated land is liable to the tax imposed by subsection 1 of section 2, Exemptions

(*a*) when the designated land is disposed of by, or by way of gift to, an organization that is, at the time of the disposition, a "registered Canadian charitable organization" within the meaning of paragraph *c* of subsection 8 of section 110 of the *Income Tax Act* (Canada) and is not a trust 1970-71, c. 63 (Can.)

exempt from tax under Part I of that Act by paragraph *f* or *h* of subsection 1 of section 149 of that Act;

(*b*) when the designated land is disposed of by a municipality;

(*c*) when the designated land is disposed of by a corporation, 50 per cent or more of the assets of which consist of designated land, to its shareholders as part of the winding up or dissolution of the corporation;

(*d*) when the designated land disposed of is, at the time of its disposition, predominantly used as a tourist resort of a class, kind or designation prescribed by the Minister by regulation, or for commercial or industrial purposes, other than the rental of apartment suites or residential accommodation for use as the principal residence of the lessee, and if the designated land so disposed of contains buildings, structures or other capital improvements, excluding any costs or value attributable to subdividing and servicing the designated land, that have a value, at the time of the disposition, equal to 40 per cent or more of the proceeds of disposition of the designated land;

(*e*) when the designated land disposed of is the principal residence of the transferor ordinarily inhabited by him or by him and his spouse, children or other dependants, together with land subjacent to the principal residence and land immediately contiguous to such subjacent land to the extent that such subjacent land and the immediately contiguous land do not exceed ten acres, but where only part of the designated land disposed of is ordinarily inhabited by the transferor or by him and his spouse, children or other dependants as his principal residence, the exemption conferred by this clause applies only to the proportion of the taxable value on such disposition that is in the same ratio to the whole of such taxable value as that part of any building that is ordinarily inhabited by the transferor or by him and his spouse, children or other dependants as his principal residence is of the whole of the building or buildings included in the designated land so disposed of;

(*f*) when the designated land disposed of is not designated land described in clause *e* or is not immediately

contiguous thereto, and is used by the transferor or by members of his family for his or their personal recreation and enjoyment and is his principal recreational property, but this clause does not apply to any part of such designated land so disposed of in excess of twenty acres or where the disposition is to a non-resident person as defined in *The Land Transfer Tax Act, 1974*[1974, c. 8];

(*g*) when the designated land disposed of includes a building or structure,

(i) that the transferor has constructed or caused to be constructed, or

(ii) that the transferor has renovated or caused to be renovated at a cost of not less than 20 per cent of,

(A) where the designated land was acquired by him after the 9th day of April, 1974, the cost to him of his acquisition of the designated land or the fair market value of the designated land at the time of its acquisition by the transferor if such fair market value is greater than the cost of acquisition, or

(B) where the designated land was acquired by the transferor on or before the 9th day of April, 1974, its fair market value ascertained as at the 9th day of April, 1974,

and that has a value at the time of the disposition of the designated land of not less than 40 per cent of the total proceeds of disposition of the designated land;

(*h*) when the designated land disposed of is, at the time of its disposition, used by the transferor, by members of the family of the transferor, by a farming corporation, or by the transferor and members of his family in farming, and the disposition of such designated land is to a member or members of the family of the transferor or to a farming corporation for the purpose of enabling the person to whom the disposition is made to carry on farming on the designated land;

(*i*) when the designated land is taken under statutory authority or is sold to a person by whom notice of an intention to take it under statutory authority was given; or

R.S.O. 1970, c. 100

(*j*) when the designated land is disposed of to Her Majesty in right of Ontario, a Crown agency within the meaning of *The Crown Agency Act*, a municipality, Ontario Hydro, Her Majesty in right of Canada, or to an agent of Her Majesty in right of Canada.

Special lien conferred

5.—(1) Every tax imposed upon designated land by this Act is, until paid, a special lien in favour of Her Majesty in right of Ontario upon the designated land and has complete priority over every claim, privilege, lien, encumbrance, right, title or interest of any person that arose or came into existence as part of or subsequent to the disposition of the designated land as a result of which tax was imposed on the designated land, and such special lien has priority over every execution in the hands of any sheriff or other officer that affects the designated land, whether the designated land was subject to the execution before or after the disposition of the designated land.

Where no lien attaches

(2) The special lien conferred by this Act does not attach to any designated land disposed of where the Minister has given his certificate that no lien is claimed with respect to the designated land, but the giving of the certificate does not destroy the special lien for tax resulting from any disposition of designated land occurring after the date as of which the certificate is given, and the giving of the certificate does not impair or relieve the transferor from his responsibility to pay any tax imposed by this Act.

Idem

(3) Where designated land is disposed of and, in order to recognize or give effect to the disposition, it is necessary to register upon the title to the designated land disposed of an instrument or writing under the registry system or land titles system, the special lien conferred by this Act does not attach to the designated land in respect of such disposition if there is attached to or made part of such instrument or writing, at the time it is tendered to a land registrar for registration, the affidavit of the transferor, or of some individual authorized in writing by the transferor to make such affidavit, stating that the disposition of designated land evidenced in the instrument or writing attached to such affidavit or of which the affidavit is a part is a disposition described in a clause and, where applicable, a subclause (which clause and subclause shall be expressly named in the affidavit) of section 4 of this Act, but the making of such affidavit does not impair or relieve the transferor from his responsibility to pay any tax imposed by this Act.

Notice of intended sale

(4) Before the issue of a warrant under subsection 5, the Minister shall send by mail or by registered mail, or deliver by personal service, a notice to all persons who have an

interest, encumbrance or charge registered under the land titles system or the registry system against the designated land for the sale of which the warrant is to be issued that he intends to have the designated land that is subject to the special lien conferred by this Act sold pursuant to subsection 5, and such notice shall be given not less than thirty days or more than sixty days before the issue of the warrant, and shall be sent, in the case of a notice sent by mail, to the latest known address of each person to whom notice is to be given and to such other address as, in the opinion of the Minister, may be more likely to bring the notice to the person's attention.

Recovery of lien by sale

(5) Subject to subsection 4, the Minister may, by his warrant directed to the sheriff of the county, district or judicial district in which is situate any designated land that is subject to the special lien conferred by this Act, require the sheriff to sell the designated land within six months or such longer period as is stated in the warrant, and the sheriff, upon receiving the warrant, shall proceed within the period specified to sell the land in the same manner as for a sale under a writ of execution issued out of the Supreme Court, and any person purchasing from the sheriff at such a sale shall take good title to the designated land free and clear of all encumbrances and claims of any kind of all persons whatsoever that do not have priority over the special lien but subject to all the rights and encumbrances of persons who have an interest in the designated land that have priority over the special lien.

Idem

(6) The proceeds of sale received by the sheriff from a sale under a warrant authorized by subsection 5 shall be applied first to pay the costs and expenses of the sheriff in conducting the sale and next in payment of the amount of tax that was a special lien on the designated land conferred by this Act, and any surplus thereafter remaining shall be paid, in order of their priorities, to those whose rights in the designated land were subject to the special lien, and, if the order of those priorities cannot be established by the sheriff, shall be paid into court to be dealt with as the court shall direct.

Right to discharge lien

(7) At any time prior to a sale authorized by subsection 5, any person interested in the designated land affected by the special lien conferred by this Act may pay to the Minister a sum sufficient to discharge the special lien, and if the special lien is discharged by some person having an encumbrance against the designated land, the amount accepted by the Minister may be added to that person's encumbrance and shall, for all purposes and in every court, thereafter be treated as part of the encumbrance and shall bear interest at the rate provided for in the encumbrance and shall be collectable in the same way as the encumbrance is enforceable.

Waiver of lien

(8) Upon such conditions as he may impose, the Minister may abandon, postpone, release or waive with respect to all or any part of any designated land any special lien conferred by this Act.

Avoidance

6. Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatever is that a transferor has disposed of property under circumstances such that he may reasonably be considered to have artificially or unduly reduced the amount of the taxable value of designated land that he has disposed of, the taxable value shall be computed as if such reduction had not occurred.

Refund

7. Where a person has paid an amount under this Act as tax that is not payable as tax under this Act, the Minister may, upon receipt of satisfactory evidence that the amount was wrongly paid, authorize the Treasurer to refund such amount or any part thereof, but no refund shall be made unless it is applied for within three years after the date of the payment of any amount that is alleged not to have been payable as tax under this Act.

Assessment

8.—(1) Where any person responsible for the payment of tax fails to pay it as required under this Act, the Minister may make an assessment of the tax for which such person is responsible and which has not been paid.

Notice of assessment

(2) Where the Minister has made an assessment under subsection 1, he shall send by mail or by registered mail or deliver by personal service a notice of assessment to the person so assessed, and the amount of the assessment shall be remitted to the Minister by the person so assessed within thirty days from the date of mailing or delivery of the notice of assessment.

Idem

(3) Where the Minister has made an assessment under subsection 1, the notice of assessment may provide that the amount assessed is payable forthwith.

Assessment from time to time

(4) The Minister may, at any time he considers reasonable, assess or reassess any tax payable by any person under this Act.

Assessment on inspection

(5) Where it appears from an inspection, audit or examination of the books of account, records or documents of any person that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax payable in such manner and form and by such procedure as the Minister considers adequate and expedient, and the Minister shall assess the amount of the tax.

(6) The Minister shall send by mail or by registered mail or deliver by personal service a notice of the assessment made under subsection 4 or 5 to the person so assessed at his latest known address, and the notice may provide that the amount assessed is payable forthwith. Notice of assessment under subs. 4 or 5

(7) Liability for tax is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. Liability to tax not affected

(8) The Minister is not bound by any information delivered by or on behalf of any person responsible for the payment of the tax and may, notwithstanding any information that has been delivered or if no information has been delivered, assess the tax payable under this Act. Minister not bound by information

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a reassessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. Assessment valid and binding

(10) The amount of any assessment is payable within the time required by the notice of assessment whether or not an objection or appeal from the assessment is made or taken. Idem

9.—(1) Where a person objects to an assessment made under section 8, he may, within ninety days after the day of mailing or delivery by personal service of the notice of assessment, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. Notice of objection

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. Service

(3) Upon receipt of a notice of objection, the Minister shall with all due dispatch reconsider the assessment and vacate, confirm or vary the assessment or reassess, and he shall thereupon notify the person who has made the objection of his action by registered mail. Reconsideration

10.—(1) After the Minister has given the notification required by subsection 3 of section 9, a person who has served notice of objection under section 9 may appeal to the Supreme Court to have the assessment vacated or varied or reassessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day on which notice has been mailed to such person under Appeal

subsection 3 of section 9, and an appeal under this section shall not be made to the Divisional Court.

Appeal, how instituted

(2) An appeal to the Supreme Court shall be instituted by serving on the Minister a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or with the Local Registrar of the Supreme Court for the county, district or judicial district in which is situate the designated land the tax imposed on which is under appeal.

Service

(3) A notice of appeal shall be served on the Minister by being sent by registered mail addressed to the Minister.

Contents of notice of appeal

(4) The person appealing shall set out in his notice of appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in support of his appeal.

Reply to notice of appeal

(5) After the service on him of a notice of appeal under this section, the Minister shall with all due despatch serve on the person appealing and file in the Supreme Court where the notice of appeal was filed a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he considers relevant.

Matter deemed action

(6) Upon the filing in the Supreme Court of the material referred to in subsection 5, the matter shall be deemed to be an action in the court, and the practice and procedure of the court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter that is deemed to be an action under this subsection, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

Disposition of appeal

(7) The court may dispose of an appeal by allowing it, by dismissing it, or by allowing it in part and directing the Minister to vacate the assessment, vary the assessment or reconsider the assessment and reassess as indicated by the judgment of the court.

Idem

(8) In delivering judgment disposing of an appeal, the court may order payment or refund of tax by the appellant or by the Treasurer, as the case may be, and may make such order as to cost as is considered proper.

Irregularities

(9) No assessment shall be vacated or varied on appeal by reason only of an irregularity, informality, omission or

error on the part of any person in the observance of any directory provision of this Act.

Extension of time

(10) The time within which a notice of objection under subsection 1 of section 9 or a notice of appeal under subsection 1 of this section is to be served may be extended by the Minister if application for extension is made before expiration of the time for service of the notice of objection or notice of appeal, as the case may be.

Payment applied against interest

11. Any payment to the Treasurer under this Act, other than a payment of penalties or fines imposed for offences under this Act, shall first be applied to any interest payable on any tax imposed by this Act.

Investigations

12.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises where any business is carried on or any property is kept or anything is done in connection with any business or where any books or records are or should be kept, and may,

(*a*) audit or examine the books, records, accounts, vouchers, letters, telegrams, or other documents that relate or may relate to any disposition of designated land or to the amount of tax payable under this Act;

(*b*) examine any designated land disposed of or any property the value of which formed or may have formed part of the adjusted value or proceeds of disposition referable to any disposition of designated land, or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of any information that was or should have been furnished to the Minister or the amount of any tax payable under this Act;

(*c*) require any transferor or any person to whom a disposition of designated land has been or may have been made or, if such transferor or person is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof or any other person on the premises of such transferor or person to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises with him; and

(*d*) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any transferor, or if such transferor is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

(*a*) any information concerning designated land or a disposition of designated land that is believed to have occurred; or

(*b*) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay any amount to a transferor or to any person to whom a disposition of designated land has been or may have been made production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents within such reasonable time as is stipulated therein.

Idem

(4) The Minister may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing an officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

Documents to prove tax liability

(5) The Minister may, by registered letter or by a demand served personally, require the production under oath or

otherwise by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is imposed by this Act on designated land and what person is responsible for its payment, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Copies

(6) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

Compliance

(7) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing.

Idem

(8) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administration of oaths

(9) Declarations or affidavits in connection with statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Recovery of tax

13.—(1) Upon default of payment of any amount assessed under section 8,

(*a*) the Minister may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Minister or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury; and

(*b*) the Minister may issue a warrant directed to the sheriff of any county, district or judicial district in which any property of a person liable to make a

payment or remittance under this Act is located or situated for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs and expenses of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Compliance proved by affidavit

(2) For the purpose of any proceeding or prosecution taken or instituted under this Act, the facts necessary to establish compliance on the part of the Minister with this Act as well as the failure of any person to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Minister or of any officer of the Ministry of Revenue.

Remedies to recover tax

(3) The use of any of the remedies provided by this section does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or at law in favour of Her Majesty in right of Ontario.

Garnishment

14.—(1) When the Minister has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

Idem

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirements under this section is liable to pay to the Treasurer an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under

a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Garnishment of wages R.S.O. 1970, c. 486

(6) Subject to the provisions of *The Wages Act*, where the Minister has under this section required an employer to pay to the Treasurer on account of an employee's liability under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as may be stipulated by the Minister in the registered letter or letter served personally.

Penalty for false affidavit

15.—(1) Every person who recklessly or knowingly makes an affidavit provided for in subsection 3 of section 5 that is false in some material particular is guilty of an offence and on summary conviction is liable to a fine of not less than $100 plus an amount that is not less than the tax imposed on the designated land by subsection 1 of section 2, as determined under subsection 3, and resulting from the disposition with respect to which the affidavit relates.

Penalty for not remitting tax

(2) Every person who is required to remit to the Minister the tax imposed by this Act and who fails to remit the tax is guilty of an offence and on summary conviction is liable to a fine of not less than $100 and an additional amount of not less than the tax, as determined under subsection 3, that should have been remitted.

Certificate of tax avoided

(3) The Minister shall determine the amount of the tax referred to in subsection 1 or 2 from such information as is available to him, and shall issue a certificate as to the amount, but except where the Minister considers that there has been deliberate evasion of this Act, he shall not take into account a period of more than three years in determining the amount of tax referred to in the certificate.

Idem

(4) In any prosecution under subsection 1 or 2, a certificate that is signed or that purports to be signed by the Minister or Deputy Minister of Revenue and that states the amount of tax is *prima facie* evidence of the amount of tax referred to in subsection 1 or 2 and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Information for more than one offence

(5) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Tax not affected

(6) Neither the application of any provision of this section nor the enforcement of any penalty under this Act suspends or affects any remedy for the recovery of any tax payable under this Act.

Offences

16.—(1) Every person who contravenes section 12 is guilty of an offence and on summary conviction is liable to a fine of $25 for each day during which the default continues.

Idem

(2) Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than $25 and not more than $200, and for any subsequent offence to a fine of not less than $100 and not more than $1,000.

Idem

(3) Every person who has,

(*a*) knowingly, made, participated in, assented to or acquiesced in the making of false or deceptive statements required by or under this Act or the regulations;

(*b*) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of any record, document or thing;

(*c*) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of tax imposed by this Act; or

(*d*) conspired with any person to commit any offence described in clause *a*, *b* or *c*,

is guilty of an offence and on summary conviction, in addition to any penalty otherwise provided by this Act, is

liable to a fine of not less than $200 and not more than an amount equal to double the amount of the tax that should have been remitted or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

Idem (4) Any officer, director or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in the commission of any act which is an offence under this Act for which the corporation would be liable for prosecution is guilty of an offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

Limitation **17.** An information in respect of an offence against this Act shall be laid within six years of the time when the matter of the information arose.

Communication of information **18.**—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

(*a*) knowingly communicate or knowingly allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act; or

(*b*) knowingly allow any person to inspect or to have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Officials not compellable as witnesses (2) Notwithstanding any other Act, but subject to subsection 3, no person employed by the Government of Ontario shall be required, in connection with any legal proceedings,

(*a*) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or

(*b*) to produce any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Exceptions for legal proceedings (3) Subsections 1 and 2 do not apply in respect of,

(*a*) criminal proceedings under any Act of the Parliament of Canada; or

(*b*) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or

(*c*) proceedings relating to the administration or enforcement of this Act or the collection or assessment of tax.

Exception for internal administration

(4) A person employed by the Government of Ontario may, in the course of his duties in connection with the administration or enforcement of this Act,

(*a*) communicate or allow to be communicated to an official or authorized person employed by the Government of Ontario in the administration and enforcement of any laws relating to the raising of revenues for provincial purposes any information obtained by or on behalf of the Minister for the purposes of this Act; and

(*b*) allow an official or authorized person employed by the Government of Ontario in the administration or enforcement of any laws relating to the raising of revenues for provincial purposes to inspect or have access to any book, record, writing, return or other document obtained by or on behalf of the Minister for the purposes of this Act.

Exception for objection or appeals, etc.

(5) Notwithstanding any other provision of this Act, the Minister may permit a copy of any book, record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

(*a*) the person from whom the book, record, writing, return or other document was obtained; or

(*b*) any person,

(i) for the purposes of any objection or appeal that has been or may be taken by that person under this Act arising out of any assessment of tax, interest or penalties under this Act in connection with which the book, record, writing, return or other document was obtained, or

(ii) by whom any amount payable under this Act is payable or has been paid,

or the legal representative of any person mentioned in clause *a* or *b* or the agent of any such person authorized in writing in that behalf.

Exception for tax enforcement in other jurisdictions

(6) Notwithstanding any other provision of this Act, the Minister may permit information or a copy of any book,

record, writing, return or other document obtained by him or on his behalf for the purposes of this Act to be given to,

(*a*) a minister of the Government of Canada or any officer or employee employed under a minister of the Government of Canada for the purposes of administration of any Act of the Parliament of Canada imposing any tax or duty; or

(*b*) a minister of the government of any province of Canada or officer or employee employed under that minister, for the purposes of administering and enforcing an Act of the Legislature of that province imposing any tax or duty,

if the minister of the Government of Canada or the minister of the government of another province, as the case may be, is permitted to give to the Minister information or copies of any book, record, writing, return or other document obtained by or on behalf of the minister of the Government of Canada, or the minister of the government of that other province, as the case may be, in the administration or enforcement of that Act for the purposes of the administration of this Act.

Where no tax payable

19. Where it is established to the satisfaction of the Minister that, prior to the 10th day of April, 1974, there existed a written agreement providing for the disposition of designated land either,

(*a*) at a definite price or consideration the amount or value of which is set out in the agreement and is not determinable or fixed by reference to any date or period of time after the 9th day of April, 1974; or

(*b*) at a price or consideration the amount or value of which is determinable under the agreement by reference only to a valuation to be made as of a date not later than the 9th day of April, 1974,

no tax is payable under this Act by the transferor with respect to such disposition of designated land.

Investment property defined

20.—(1) In this section, "investment property" means designated land that includes buildings that are (except for any part thereof ordinarily inhabited by the owner thereof as his principal residence) predominantly rented to be ordinarily inhabited by the tenant or occupant as his

principal residence, and that have a value of not less than 40 per cent of the fair market value of the designated land, including such buildings.

Investment property reduction

(2) Where, after the 9th day of April, 1977, designated land that is an investment property is disposed of and, during the three years immediately preceding such disposition, no other disposition of or with respect to that designated land has occurred and the designated land has, during the three years immediately preceding such disposition, been an investment property of the transferor, the taxable value, computed as if this section was not applicable, of the investment property so disposed of shall be reduced by an amount equal to three-tenths of such taxable value plus one-tenth thereof for each full year (commencing on or after the 9th day of April, 1974) in excess of three years during which the investment property disposed of was an investment property owned by the transferor and during which no previous disposition of or with respect thereto occurred.

Liability for tax on subdivided land

21.—(1) Notwithstanding any other provision of this Act, where designated land is disposed of by a transferor who has, prior to the disposition and in accordance with the requirements of a subdivision agreement between a municipality and the transferor and enforceable against the transferor, subdivided and serviced the designated land disposed of by him, and where, prior to or as part of the disposition, the transferor has entered into an agreement under seal with the person (hereinafter in this section called the "agreeing person") to whom the designated land is disposed of, and that agreement contains a covenant by the agreeing person that he assumes the liability of the transferor for the tax imposed by subsection 1 of section 2 upon the designated land so disposed of and a covenant that the agreeing person will, within the nine months immediately following the disposition, commence construction of buildings on at least 50 per cent of the building sites or lots included in the designated land disposed of to him and will, within the eighteen months immediately following the disposition, commence construction of buildings on the remainder of the building sites or lots included in the designated land disposed of to him, the tax imposed by subsection 1 of section 2 with respect to the disposition to the agreeing person and for which he has covenanted to be liable is, subject to subsection 4, payable by the agreeing person immediately upon his failure to comply with the covenant to commence construction of buildings required by this subsection, and the tax is recoverable and collectable by the Minister in

the same manner and with all the rights and remedies provided by this Act as if the agreeing person were the transferor making such disposition, and where an agreement described in this subsection is made between the transferor and an agreeing person, the transferor disposing of designated land to the agreeing person is not liable for the payment of the tax imposed by subsection 1 of section 2 with respect to such disposition.

Tax to remain a special lien

(2) The tax that an agreeing person is liable to pay under subsection 1 remains a special lien conferred by section 5 on the designated land disposed of, but the special lien shall not have priority over any mortgage or charge given by the agreeing person with respect to the designated land disposed of to him in accordance with subsection 1 that is given for the purpose of securing the advance of money borrowed for the purpose of constructing upon the designated land any building that the agreeing person has covenanted in accordance with subsection 1 to construct.

Cancellation of tax

(3) Where, subject to subsection 4, the covenants required by subsection 1 to be contained in an agreement made by the agreeing person have been complied with, the tax imposed by subsection 1 of section 2 with respect to the disposition to the agreeing person and for which he covenanted to be liable is cancelled, but such cancellation does not affect in any way any liability of the agreeing person to pay tax on any disposition by him of designated land, including the designated land acquired by him under his agreement with the transferor made in accordance with subsection 1.

Extension of time

(4) Where the Minister is satisfied that special circumstances resulting in undue hardship for an agreeing person in complying with his covenant to commence construction of buildings in accordance with subsection 1 have occurred, he may extend any time referred to in subsection 1 within which an agreeing person is required to comply with a covenant to commence construction of buildings, and upon such extension being granted, an agreeing person's liability to pay tax shall not arise until the expiration of the extended time without the covenant having been complied with.

Exemption for disposition of former residence of person over age 65

22. Notwithstanding any other provision of this Act, where a transferor who has not previously disposed of designated land exempt in whole or in part under this section disposes of designated land that was his principal residence for a period of five consecutive years prior to his ceasing

ordinarily to inhabit the designated land as his principal residence, and where, at the time he ceased ordinarily to inhabit the designated land as his principal residence, the transferor was sixty-five years of age or older, and where, at the time of the disposition the transferor is ordinarily inhabiting as his principal residence premises that are not owned in whole or in part by him or his spouse or by both of them, the designated land so disposed of is exempt from the tax imposed by subsection 1 of section 2 to the extent that the designated land would have been exempt by virtue of clause *e* of section 4 had the transferor disposed of the designated land at the time he ceased ordinarily to inhabit it as his principal residence and had clause *e* of section 4 then been applicable to the disposition.

Regulations

23.—(1) The Minister may make regulations prescribing any form required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain.

Idem

(2) The Lieutenant Governor in Council may make regulations,

(*a*) exempting from tax any designated land or class of designated land or exempting from tax any designated land with respect to which any disposition or class of disposition occurs;

(*b*) authorizing any person to grant, after an investigation of such matters as are specified, any exemption that may be given under clause *a*;

(*c*) authorizing the refund of any tax and specifying the conditions upon which such refund may be made;

(*d*) prescribing the evidence required to establish facts relevant to assessments under this Act;

(*e*) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act;

(*f*) requiring a person who is, by a regulation made under clause *e*, required to make an information return to supply a copy of the information return or of a prescribed portion thereof to the person or persons in respect of whose designated land the information return or portion thereof relates;

(*g*) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;

(*h*) prescribing any rate of interest that is to be prescribed;

(*i*) providing for the payment of interest on any refund or on any payment of tax authorized by regulation, and prescribing the rate of such interest and the method by which it is to be calculated;

(*j*) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(*k*) providing for relaxing the strictness of this Act relative to the incidence of tax hereunder in special circumstances where, without such relaxation, inconvenience or hardship might result or the development of designated land might be impeded;

(*l*) that are considered necessary for the purpose of carrying into effect the provisions of this Act according to their intent and of supplying any deficiency therein.

Idem (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Commencement **24.** Upon receiving Royal Assent, this Act shall be deemed to have come into force on the 9th day of April, 1974 and to apply to every disposition made, tax imposed and everything that may be required to be done under this Act that is made, imposed or done after the 9th day of April, 1974.

Short title **25.** This Act may be cited as *The Land Speculation Tax Act, 1974*.

CHAPTER 18

An Act to amend The Milk Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4 and 5 of section 4 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 4 (4), re-enacted; s. 4 (5), repealed

(4) The Commission may, upon any inquiry, investigation or arbitration under clause *a* or *b* of subsection 2, order the payment by any person engaged in producing, processing or marketing milk or milk products, to any other person engaged therein, of moneys, in an amount to be fixed by the Commission, that are payable to such other person by reason of a failure on the part of the person to whom the order is directed to fulfil any obligation imposed upon him by or under this Act or any regulation, plan, award or agreement or by any order or direction of the Commission or a marketing board. Order for payment of moneys to producers, etc.

2. The said Act is amended by adding thereto the following section: s. 12*b*, enacted

12*b*.—(1) Every person engaged in the producing, processing or marketing of milk or milk products, when requested so to do by a field-man appointed for the exercise of the powers and the performance of the duties of the Director, shall, in respect of milk and milk products, produce his books, records and documents and permit inspection thereof and furnish copies thereof or extracts therefrom and permit inspection of his premises and any equipment, milk or milk products therein. Production of books, etc., to field-man

(2) No person shall hinder or obstruct an officer or field-man mentioned in subsection 1 in the course of his duties, furnish him with false information or refuse to furnish him with information. Obstruction of field-man

Certificate of appointment of field-man

(3) The production by a field-man mentioned in subsection 1 of a certificate of his appointment purporting to be signed by the Director shall be accepted by any person engaged in the producing, processing or marketing of milk or milk products as proof of such appointment.

s. 21, amended

3. Section 21 of the said Act is amended by inserting after "Commission" in the sixth line "the Director or a marketing board".

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Milk Amendment Act, 1974*.

CHAPTER 19

An Act to amend The Ontario Water Resources Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *g* of section 1 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor: s. 1 (*g*), re-enacted

(*g*) "cost" means,

(i) in relation to a project under an agreement entered into before the 1st day of April, 1974, the cost thereof as determined by the Minister and includes interest during construction and such engineering fees and other charges and expenses in connection with construction as the Minister may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Crown as the Minister in his discretion may allocate to the project, or

(ii) in relation to a project under an agreement entered into on or after the 1st day of April, 1974, the cost thereof as determined by the Minister and includes such engineering fees and other charges and expenses in connection with construction as the Minister may determine and such financing costs applicable to the project as the Treasurer may determine and the Minister in his discretion may allocate to the project.

s. 1 (*ia*), re-enacted; s. 1 (*oa*), repealed

(2) Clauses *ia* and *oa* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed and the following substituted therefor:

(*ia*) "Director" means a Director appointed under section 8.

s. 1, amended

(3) The said section 1, as amended by the Statutes of Ontario, 1972, chapter 1, section 70 and 1973, chapter 90, section 1, is further amended by adding thereto the following clause:

(*qa*) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

R.S.O. 1970, c. 332, amended

2. The said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70 and 1973, chapter 90, is further amended by,

(*a*) striking out "the Executive Director, Water Supply and Pollution Control, of the Ministry,

(i) where it occurs in the first instance in each section set out in Column 2 of the following Table and inserting in lieu thereof in each such instance "a Director", and

(ii) where it occurs in the second and subsequent instances in each section set out in Column 3 of the following Table and inserting in lieu thereof in each such instance "the Director".

Table 1

Column 1 Item	Column 2 Section	Column 3 Section
1	17 (1*b*)	
2	33 (1)	33 (1)
3	34 (1)	34 (1)
4	34 (2)	
5	41 (1)	41 (1)
6	41 (4)	41 (4)
7	41 (5) (*a*)	
8	41 (5) (*b*)	
9	41 (6)	41 (6)

Table 1—*Continued*

Column 1 Item	Column 2 Section	Column 3 Section
10	41 (7)	
11	41 (8)	
12	42 (1)	42 (1)
13	42 (4)	42 (4)
14	42 (5) (*a*)	
15	42 (5) (*b*)	
16	43 (1)	43 (1)
17	43 (3)	
18	43 (4)	43 (4)
19	43 (5)	
20	43 (11)	
21	43 (12)	
22	44 (1)	44 (1)
23	44 (3)	44 (3)
24	44 (4)	
25	44 (5)	
26	45	
27	49	49
28	50 (1)	
29	50 (2)	
30	51 (1)	51 (1)
31	62 (1) (*n*)	
32	69 (2)	
33	70 (1)	70 (1);

(*b*) striking out "the Executive Director, Water Resources, of the Ministry",

(i) where it occurs in the first instance in each section set out in Column 2 of the following Table and inserting in lieu thereof in each such instance "a Director", and

(ii) where it occurs in the second and subsequent instances in each section set out in Column 3 of the following Table and inserting in lieu thereof in each such instance "the Director".

Table 2

Column 1 Item	Column 2 Section	Column 3 Section
1	37 (3)	
2	37 (4)	37 (4)
3	37 (6)	
4	37 (7)	37 (7)
5	37 (8)	
6	39 (1)	
7	39 (2)	
8	39 (3)	
9	40 (1)	
10	40 (2)	
11	40 (4)	
12	40 (5)	
13	62 (1) (*q*);	

(*c*) striking out "the Assistant Deputy Minister, Water Management, of the Ministry",

(i) where it occurs in the first instance in each section set out in Column 2 of the following Table and inserting in lieu thereof in each such instance "a Director", and

(ii) where it occurs in the second and subsequent instances in each section set out in Column 3 of the following Table and inserting in lieu thereof in each such instance "the Director".

Table 3

Column 1 Item	Column 2 Section	Column 3 Section
1	3 (8)	
2	61 (2)	61 (2)
3	61 (3)	
4	61 (4)	61 (4)
5	61 (5)	61 (5)
6	61 (7)	61 (7)
7	61 (8)	
8	61 (10)	
9	61 (14);	

(*d*) striking out "the Assistant Deputy Minister, Water Management, the Executive Director, Water Sup-

ply and Pollution Control, or the Executive Director, Water Resources, of the Ministry" where they occur in the sections set out in the following Table and inserting in lieu thereof in each instance "a Director".

Table 4

Item	Section
1	9*a* (10)
2	9*a* (14)
3	74
4	79 (1);

(*e*) striking out "Minister" where it occurs in each of the sections set out in the following Table and inserting in lieu thereof in each instance "Treasurer".

Table 5

Item	Section
1	53 (4)
2	56 (4)
3	61 (11)
4	61 (12)
5	61 (14).

3.—(1) Subsection 4 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is amended by inserting after "reference" in the first line "to the Commission" and by striking out "the Assistant Deputy Minister, Water Management, Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources, of the Ministry" in the fourth, fifth, sixth, seventh and eighth lines and inserting in lieu thereof "a Director". s. 3 (4), amended

(2) Subsection 5 of the said section 3 is repealed and the following substituted therefor: s. 3 (5), re-enacted

(5) A reference to the Commission in Regulation 644 of Revised Regulations of Ontario, 1970, shall be deemed to be a reference to a Director. Reference in regulation

(5*a*) A reference to the Commission in Regulation 647 of Revised Regulations of Ontario, 1970, shall be deemed to be a reference to the Minister. Idem

s. 3 (9), amended

(3) Subsection 9 of the said section 3 is amended by striking out "Executive Director, Water Supply and Pollution Control or the Executive Director, Water Resources or the Assistant Deputy Minister, Water Management, of the Ministry" in the sixth, seventh, eighth and ninth lines and inserting in lieu thereof "Director".

s. 5, repealed

4. Section 5 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed.

s. 8, enacted

5. The said Act is further amended by adding thereto the following section:

Appointment of Directors by Minister

8.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

Limitations

(2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable.

s. 9*a* (11), re-enacted

6. Subsection 11 of section 9*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

When Hearing Board to hold public hearing

(11) Upon receipt of notice from a Director referred to in subsection 10, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Director.

ss. 12, 13, repealed

7. Sections 12 and 13 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed.

s. 17 (1) (*f*), amended

8. Clause *f* of subsection 1 of section 17 of the said Act is amended by striking out "and to charge fees in respect thereof" in the third and fourth lines.

s. 20 (1), amended

9. Subsection 1 of section 20 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is further amended by striking out "and, except as provided in subsection 3, the Crown is liable for any damage occasioned thereby" in the ninth, tenth and eleventh lines and in the amendment of 1972.

ss. 24, 25, repealed

10. Sections 24 and 25 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed.

11. Section 26 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed. s. 26, repealed

12. Section 27 of the said Act is repealed. s. 27, repealed

13. Subsection 5 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is further amended by adding after "Ministry" in the amendment of 1972 "or a Director". s. 32 (5), amended

14. Subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor: s. 36 (1), re-enacted

(1) An area may be defined by a Director that includes a source of public water supply, Area defined for protection of public water supply

(*a*) wherein no person shall swim or bathe; or

(*b*) wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or

(*c*) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply,

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Director considers necessary for the protection of the source of public water supply.

15. Clause *a* of subsection 8 of section 37 of the said Act is amended by striking out "2" and inserting in lieu thereof "3". s. 37 (8) (*a*), amended

16. Subsection 3 of section 41 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor: s. 41 (3), re-enacted

(3) Where any person undertakes or proceeds with the establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of a Director, a Director may order the person or his successor or assignee to afford at his own expense such facilities as the Director considers necessary for the investigation of the works and the Powers of Director where water works undertaken without approval

source of water supply and may direct such changes to be made in the source of water supply and in the works as the Director considers necessary, and any changes directed by the Director to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

s. 42 (3), re-enacted

17. Subsection 3 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Powers of Director, where sewage works under taken without approval

(3) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of a Director, a Director may order the person or his successor or assignee to afford at his own expense such facilities as the Director considers necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Director considers necessary, and any changes directed by the Director to be made in the works shall be carried out by the person or his successor or assignee at his own expense.

s. 48, re-enacted

18. Section 48 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Construction or operation of approved sewage works by statutory authority

48. Sewage works that are being or have been constructed, maintained or operated with the approval of the former Department of Health, the Commission, the Executive Director, Water Supply and Pollution Control of the Ministry or of a Director and in accordance with the terms and conditions imposed in any order, direction, report or regulation of the former Department of Health, the Commission, the Minister of Health, the Executive Director, Water Supply and Pollution Control of the Ministry, a Director or the Board under the authority of this Act or any predecessor of any provision of this Act, so long as the sewage works are being so constructed or are so constructed, maintained or operated, shall be deemed to be under construction, constructed, maintained or operated by statutory authority.

s. 51 (3), re-enacted

19. Subsection 3 of section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Power of Director to implement report

(3) Where the municipality fails to do every act and thing in its power to implement a report made to it

under subsection 1 forthwith after receipt of the report, and the time for taking an appeal has passed or there has been final disposition of an appeal by which the report is confirmed or altered, the Director, with the approval of the Board, may direct that whatever is necessary to implement the report or the report as confirmed or altered be done at the expense of the municipality, and the Minister may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction, as a debt due to the Crown by such municipality.

20. Clause *b* of subsection 2 of section 52 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor: s. 52 (2) (*b*), re-enacted

(*b*) a statement of the terms and conditions including the method of financing as determined by the Minister upon which the Minister will complete and operate the project; and

. . . . .

21.—(1) Subsection 1 of section 53 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is amended by, s. 53 (1), amended

(*a*) inserting after "52" in the second line "before the 1st day of April, 1974";

(*b*) striking out "Minister" in the third line and inserting in lieu thereof "Treasurer"; and

(*c*) striking out "Assistant Deputy Minister, Water Management, of the Ministry" in the seventh and eighth lines and by striking out "Assistant Deputy Minister, Water Management" in the sixteenth and seventeenth lines and inserting in lieu thereof in each instance "Minister".

(2) Subsections 2 and 3 of the said section 53, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed and the following substituted therefor: s. 53 (2, 3), re-enacted

Interest and expenses of debt service

(2) In respect of agreements under section 52 entered into after the 31st day of December, 1965 and before the 1st day of April, 1974, the interest and expenses of debt service that would be payable by the Commission referred to in clause *a* of paragraph 1 of subsection 1 shall, in each year during the currency of the agreement, be the

amount calculated by applying the average rate of such interest and expenses as would have been payable to the Treasurer in respect of the project.

Annual adjustment of payments

(3) The Minister shall annually adjust and apportion among the respective municipalities the sums payable to the Treasurer by such municipalities under subsection 1.

s. 54 (1, 3), re-enacted

22. Subsections 1 and 3 of section 54 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed and the following substituted therefor:

Sewer rates and water works rates

(1) The council of a municipality that has entered into or proposes to enter into an agreement with the Crown under section 52 may by by-law, subject to the approval of the Board, provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the project a sewer rate or water works rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Treasurer required to be made,

(*a*) where the agreement is or has been entered into before the 1st day of April, 1974, under clause *a* of paragraph 1 and paragraph 2 of subsection 1 of section 53; or

(*b*) where the agreement is entered into on or after the 1st day of April, 1974, under the agreement for the cost of the project,

and, with the like approval, such by-law may from time to time be amended or repealed.

. . . . .

Sewage service rate and water service rate

(3) The council of a municipality that has entered into or proposes to enter into an agreement with the Crown under section 52 may by by-law provide for imposing upon owners or occupants of land from which sewage is received, treated or disposed of or to which water is supplied through or by the project a sewage service rate or water service rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Treasurer required to be made,

(*a*) where the agreement is or has been entered into before the 1st day of April, 1974, under clauses *b* and *c* of paragraph 1 of subsection 1 of section 53; or

(*b*) where the agreement is entered into on or after the 1st day of April, 1974, under the agreement for,

(i) the total cost to the Crown in each year of the operation, supervision, maintenance, repair, administration and insurance of the project, and

(ii) the total amount in each year placed by the Minister to the credit of any reserve account established under the agreement for the project.

23.—(1) Subsections 1 and 2 of section 56 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed and the following substituted therefor: s. 56 (1, 2), re-enacted

When payments to be made

(1) As soon as practicable in each calender year, and in any event not later than the 15th day of February, the Minister shall estimate the respective amounts payable to the Treasurer in such calendar year by each of the municipalities having agreements with the Crown under section 52 entered into before the 1st day of April, 1974 and shall by his precept directed to each municipality require such municipality to pay to the Treasurer on the dates specified in the agreement the sums so payable by each municipality and the municipality shall make payment to the Treasurer accordingly, but in the calendar year in which occurs the date of completion of the project the estimate by the Minister may be made and the precept of the Minister may be delivered at any time in such year as the Minister may determine and the payment or payments by the municipality shall be made at such time or times as the Minister may require.

Adjustment

(2) At the end of each calendar year, the actual sums payable by each municipality to the Treasurer for such year for the purposes aforesaid shall be ascertained by the Minister and the Minister shall inform the municipality of the amount owing to or by it and such amount shall be deducted from or added to the first payment to be made by the municipality in the next calendar year.

(2) Subsection 5 of the said section 56, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is further amended by striking out "Minister" in the amendment of 1972 and inserting in lieu thereof "Treasurer" and by inserting after "agreement" in the second line "entered into under section 52". s. 56 (5), amended

s. 57 (1, 2), re-enacted

24.—(1) Subsections 1 and 2 of section 57 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed and the following substituted therefor:

Reserve accounts

(1) The Minister may establish and maintain a reserve account in respect of each project under section 52,

(*a*) to provide for renewals and replacements in respect of the project;

(*b*) to provide for contingencies in respect of such project; and

(*c*) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance,

and for such purposes may place to the credit of or charge to such reserve accounts such amounts as may in the opinion of the Minister be sufficient therefor.

When moneys may be expended in respect of another project

(2) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Minister may, in respect of any other project for the same municipality, charge to such reserve account such amounts as in the opinion of the Minister may be sufficient therefor for any of the purposes mentioned in clauses *a*, *b* and *c* of subsection 1.

s. 57 (3, 4), repealed

(2) Subsections 3 and 4 of the said section 57, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed.

s. 57*a*, enacted

25. The said Act is further amended by adding thereto the following section:

Ministry of the Environment Reserve Fund

57*a*.—(1) All amounts heretofore placed and remaining or hereafter placed to the credit of all reserve accounts under any agreements under this Act shall be deposited with the Treasurer to the credit of a special consolidated account in the Consolidated Revenue Fund to be called "Ministry of the Environment Reserve Account" and the interest applicable in each year to the consolidated account as determined by the Treasurer shall be allocated and credited by the Minister at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts.

(2) The accounts of the Minister with respect to the reserve accounts referred to in subsection 1 shall be kept so as to exhibit at all times the amounts placed to the credit of each reserve account, the interest credited thereon and the payments made in respect thereof. Idem

26. Section 58 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor: s. 58, re-enacted

58.—(1) All amounts heretofore placed and remaining or hereafter placed to the credit of all municipalities with respect to all moneys received from the municipalities under paragraph 2 of subsection 1 of section 53 shall be deposited with the Treasurer to the credit of a special consolidated account in the Consolidated Revenue Fund to be called "Ministry of the Environment Debt Retirement Account" and that part of the amounts so credited as is attributable to each project shall remain as a credit in the Ministry of the Environment Debt Retirement Account until the expiration of the period of years during which payments are required to be made in respect of such project under paragraph 2 of subsection 1 of section 53. Ministry of the Environment Debt Retirement Account

(2) The interest applicable in each year to the consolidated account as determined by the Treasurer shall be allocated and credited by the Minister at the end of each year to the respective projects proportionately having regard to the respective balances in the consolidated account from time to time attributable to such projects and the accounts of the Minister with respect to such projects shall be kept so as to exhibit at all times the amounts placed to the credit of each project, the interest credited thereon and the payments made in respect thereof. Idem

(3) If at any time the amount in the consolidated account attributable to any project is, in the opinion of the Minister, sufficient with the further estimated interest thereon to form at the expiration of the period of years referred to in paragraph 2 of subsection 1 of section 53 an amount equal to the cost of the project, the Minister, subject to subsection 4 of this section and with the consent of the Treasurer, may authorize the municipality or municipalities with whom the Crown has an agreement in respect of such project to discontinue any further payments under paragraph 2 of subsection 1 of section 53. Discontinuance of further payments

(4) If at the expiration of such period of years the amount in the consolidated account attributable to any project, Excess or deficiency

(*a*) is in excess of the cost of the project, the Treasurer shall within one year thereafter repay to such municipality or municipalities the amount of such excess; or

(*b*) is less than the cost of the project, the municipality or municipalities shall, within one year thereafter, pay to the Treasurer the amount of such deficiency.

Discharge of indebtedness to Province

(5) Notwithstanding any other provision of this Act, the Treasurer may at any time, upon the request of the Minister, pay to the Province out of the Ministry of the Environment Debt Retirement Account any sum attributable to any project in payment or part payment of the amount owing to the Crown for the cost of the project.

s. 59, re-enacted

27. Section 59 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Ontario Water Resources Reserve and Debt Retirement Accounts

59. All moneys in the Ontario Water Resources Reserve Account and the Ontario Water Resources Debt Retirement Account immediately before this section comes into force and all investments derived from moneys at any time in those accounts vest in the Crown and the Crown is bound by the liabilities in respect of such moneys and investments.

s. 62 (1) (*g*), amended

28.—(1) Clause *g* of subsection 1 of section 62 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is further amended by striking out "Executive Director, Water Supply and Pollution Control, of the Ministry" in the amendment of 1972, and inserting in lieu thereof "Minister".

s. 62 (1) (*j*), amended

(2) Clause *j* of subsection 1 of the said section 62 is amended by inserting after "operate" in the first line "water works and" and by inserting after "of" in the second line "water work and".

s. 69 (1), re-enacted

29. Subsection 1 of section 69 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Sewage disposal

(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are considered unsatisfactory by a Director, the Director may require such industrial or commercial enterprise,

(*a*) to make investigations and submit reports to the Director in respect of the collection, transmission, treatment or disposal of sewage;

(*b*) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(*c*) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Director.

Idem (1*a*) If an industrial or commercial enterprise makes no arrangements for the collection, transmission, treatment or disposal of sewage, a Director may require such industrial or commercial enterprise,

(*a*) to make investigations and submit reports to the Director in respect of the collection, transmission, treatment or disposal of sewage;

(*b*) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(*c*) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Director.

30. The said Act is further amended by adding thereto the following section: s. 71, enacted

Protection from personal liability 71.—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against any member of the Environmental Appeal Board or the Hearing Board or against any employee of the Ministry or any Crown employee within the meaning of *The Public Service Act* R.S.O. 1970, c. 386 acting under the direction of such member or employee of the Ministry for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

Crown not relieved of liability R.S.O. 1970, c. 365 (2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*,

relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

s. 75, re-enacted

31. Section 75 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Fees for approval

75. Upon the issuance or alteration of a permit or the giving of approval under this Act, there shall be paid to the Treasurer such fees as the Minister may determine, in each case having regard amongst other things to the time occupied by the Ministry in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof.

s. 76, re-enacted

32. Section 76 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Fees for copies, information or advice

76. The Minister may charge and collect for payment to the Treasurer such fees as the Minister considers proper,

(*a*) for copies of documents, maps, plans or drawings; or

(*b*) for information or advice in respect of the collection, production, transmission, treatment, storage, supply or distribution of water or sewage,

supplied by the Ministry.

s. 77, amended

33. Section 77 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is further amended by inserting after "who" in the first line "knowingly" and by inserting after "Minister" in the amendment of 1972 "or an employee of the Ministry".

s. 78, re-enacted

34. Section 78 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor:

Recovery of moneys owing to Treasurer

78. Any amount due and payable by a municipality or a person to the Treasurer in respect of any matter under this Act, together with such interest and expenses of debt service as may be determined by the Treasurer with respect to such amount, may be recovered by the Minister with costs in a court of competent jurisdiction as a debt due to the Crown by the municipality or person.

35.—(1) Subsection 2 of section 79 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 70, is repealed and the following substituted therefor: s. 79 (2), re-enacted

(2) When a Director, When approval, etc., refused

(*a*) refuses to issue or renew, or cancels or suspends a licence or permit or refuses to grant an approval;

(*b*) imposes terms and conditions in issuing a licence or permit or in granting an approval;

(*c*) alters the terms and conditions of a permit after it is issued; or

(*d*) gives or makes any notice, direction, report or order, except an order under section 61,

he shall serve written notice of the refusal, cancellation or suspension referred to in clause *a*, the terms and conditions imposed or altered as referred to in clause *b* or *c*, or a written copy of the notice, direction, report or order referred to in clause *d*, together with written reasons therefor, in each case upon the applicant or the person or municipality to whom the licence, permit, approval, direction, order, report or notice is issued, as the case may be, and the applicant, person or municipality may, by written notice served upon the Director and the Environmental Appeal Board within fifteen days after the service of the notice, terms and conditions or written copy together with written reasons therefor in each case require a hearing by the Environmental Appeal Board.

(2) Subsection 4 of the said section 79 is repealed and the following substituted therefor: s. 79 (4), re-enacted

(4) The applicant, person or municipality requiring the hearing, the Director referred to in subsection 2 and any other persons specified by the Environmental Appeal Board are parties to the hearing. Parties to hearing

36. The exercise on or after the 1st day of April, 1974, and before this Act receives Royal Assent of any power, duty or authority under *The Ontario Water Resources Act*, as amended by this Act, by the Treasurer of Ontario, the Minister of the Environment or a Director appointed under section 8 of *The Ontario Water Resources Act*, as amended by this Act, that by this Act is vested in any of them shall be deemed to have been exercised under *The Ontario Water Resources Act*, as amended by this Act. Interim provision R.S.O. 1970, c. 332

Commencement

37. This Act shall be deemed to have come into force on the 1st day of April, 1974.

Short title

38. This Act may be cited as *The Ontario Water Resources Amendment Act, 1974*.

CHAPTER 20

An Act to amend The Environmental Protection Act, 1971

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Environmental Protection Act, 1971*, being chapter 86, as amended by the Statutes of Ontario, 1972, chapter 1, section 69 and 1972, chapter 106, section 1, is further amended by adding thereto the following subsection: s. 1, amended

(2) In this Act, "the Director" means a Director appointed under section 3*a*. Idem, Director

2. The said Act is amended by adding thereto the following section: s. 3*a*, enacted

3*a*.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments. Appointment of Directors

(2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable. Limitation of authority of Director

3. Section 4 of the said Act is repealed. s. 4, repealed

4. Subsection 1 of section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 2, is amended by striking out "of the Air Management Branch of the Ministry" in the sixteenth and seventeenth lines. s. 8 (1), amended

5. Clause *a* of section 22 of the said Act is repealed. s. 22 (*a*), repealed

6. Section 25 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 3, is repealed. s. 25, repealed

7. Section 26 of the said Act is repealed. s. 26, repealed

s. 26*b*, repealed

8. Section 26*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 94, section 4, is repealed.

s. 27 (2), amended

9.—(1) Subsection 2 of section 27 of the said Act is amended by striking out "28*b*" in the second line and by striking out "or, in the case of a permit under section 28*b* of that Act, by the Director under Part VI of this Act" in the seventh, eighth and ninth lines.

s. 27 (4), repealed

(2) Subsection 4 of the said section 27 is repealed.

s. 28 (*a*), repealed

10.—(1) Clause *a* of section 28 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, section 5, is repealed.

s. 28 (*aa*), repealed

(2) Clause *aa* of the said section 28, as enacted by the Statutes of Ontario, 1972, chapter 106, section 5, is repealed.

ss. 33*a*, 33*b*, 33*c*, 33*d*, amended

11. Sections 33*a*, 33*b*, 33*c* and 33*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 7, are amended by striking out "Executive" wherever it occurs.

s. 33*e*, repealed

12. Section 33*e* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 7, is repealed.

s. 39 (1), amended

13.—(1) Subsection 1 of section 39 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, section 10, is further amended by striking out "Executive" in the amendment of 1972.

s. 39 (2), amended

(2) Subsection 2 of the said section 39, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 10, is amended by striking out "Executive" in the first line.

ss. 42-45, amended

14. Sections 42, 43, 44 and 45 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, sections 12, 13, 14 and 15, respectively, are further amended by striking out "Executive" in the amendments of 1972.

s. 46*a*, amended

15. Section 46*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 16, is amended by striking out "Executive" wherever it occurs.

s. 49 (*c*), repealed

16. Clause *c* of section 49 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 5, is repealed.

s. 55, repealed

17. Section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 5, is repealed.

s. 56 (*a*,*b*), repealed

18. Clauses *a* and *b* of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 23, are repealed.

19. Section 56*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 23, is repealed. s. 56*b*, repealed

20. Subsection 1 of section 60 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 24, is amended by striking out "Executive" in the twentieth line. s. 60 (1), amended

21. Subsection 3 of section 61*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended by striking out "or the Executive Director, as the case may require" in the fourth and fifth lines. s. 61*a* (3), amended

22. Subsection 3 of section 61*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended by striking out "Executive" in the second line. s. 61*b* (3), amended

23. Section 69 of the said Act is repealed. s. 69, repealed

24. Section 77*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 106, section 27, is repealed. s. 77*a*, repealed

25. Subsection 1 of section 84 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 94, section 8, is amended by striking out "and the Crown is liable for any damage or actual costs occasioned thereby" in the ninth and tenth lines. s. 84 (1), amended

26. Section 91 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 106, section 30, is repealed. s. 91, repealed

27. The said Act is further amended by adding thereto the following section: s. 96*a*, enacted

96*a*.—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or of the Hearing Board or a Crown employee within the meaning of *The Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority. Protection from personal liability R.S.O. 1970, c. 386

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an Crown not relieved of liability R.S.O. 1970, c. 365

agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

s. 101, re-enacted

28. Section 101 of the said Act is repealed and the following substituted therefor:

False information

101. No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations.

Interim provision

1971, c. 86

29. The exercise on or after the 1st day of April, 1974 and before this Act receives Royal Assent of any power, duty or authority under *The Environmental Protection Act, 1971*, as amended by this Act, by a Director appointed under section 3*a* of *The Environmental Protection Act, 1971*, as amended by this Act, that by this Act is vested in such Director shall be deemed to have been exercised under *The Environmental Protection Act, 1971*, as amended by this Act.

Commencement

30.—(1) This Act, except sections 8 and 10, shall be deemed to have come into force on the 1st day of April, 1974.

Idem

(2) Sections 8 and 10 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. This Act may be cited as *The Environmental Protection Amendment Act, 1974*.

CHAPTER 21

An Act to amend The Pesticides Act, 1973

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 1 of *The Pesticides Act, 1973*, being chapter 25, is repealed. s. 1, par. 4, repealed

(2) The said section 1 is amended by adding thereto the following subsection: s. 1, amended

(2) In this Act, "the Director" means a Director appointed under section 2*a*. Idem, Director

2. The said Act is amended by adding thereto the following section: s. 2*a*, enacted

2*a*.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments. Appointment of Directors

(2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable. Limitation of authority of Director

3. Subsection 1 of section 16 of the said Act is repealed and the following substituted therefor: s. 16 (1), re-enacted

(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or the Committee or a Crown employee within the meaning of *The Public Service Act* who is a provincial officer or is acting under the Protection from personal liability R.S.O. 1970, c. 386

direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

s. 17 (2), amended

4. Subsection 2 of section 17 of the said Act is amended by striking out "and the Crown is liable for any damage or actual costs occasioned thereby" in the tenth and eleventh lines.

s. 30, amended

5. Section 30 of the said Act is amended by striking out "such fees as he" in the first line and inserting in lieu thereof "for payment to the Treasurer of Ontario such fees as the Minister".

s. 33, re-enacted

6. Section 33 of the said Act is repealed and the following substituted therefor:

False information

33. No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations.

Commencement

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Pesticides Amendment Act, 1974*.

CHAPTER 22

An Act to amend The Forest Fires Prevention Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Forest Fires Prevention Act*, being chapter 179 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (*a*), repealed

(2) Clause *b* of the said section 1 is repealed and the following substituted therefor: s. 1 (*b*), re-enacted

(*b*) "Minister" means the Minister of Natural Resources;

(*ba*) "Ministry" means the Ministry of Natural Resources.

2. Subsection 1 of section 3 of the said Act is amended by striking out "districts" and inserting in lieu thereof "regions". s. 3 (1), amended

3. Subsection 2 of section 9 of the said Act is amended by striking out "Department" in the second line and inserting in lieu thereof "Ministry". s. 9 (2), amended

4. Clause *a* of subsection 1 of section 13 of the said Act is amended by striking out "Minister of Highways" in the third line and inserting in lieu thereof "Minister of Transporation and Communications". s. 13 (1) (*a*), amended

5.—(1) Subsection 1 of section 21 of the said Act is amended by striking out "district" in the second line and inserting in lieu thereof "region" and by striking out "Department" in the seventh line and inserting in lieu thereof "Ministry". s. 21 (1), amended

(2) Subsection 2 of the said section 21 is amended by striking out "Department" in the fourth line and inserting in lieu thereof "Ministry". s. 21 (2), amended

s. 23*a* (1), amended

6.—(1) Subsection 1 of section 23*a* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 41, is amended by striking out "forester for the forest" in the seventh line and inserting in lieu thereof "manager of any administrative" and by striking out "forester" in the ninth line and inserting in lieu thereof "manager".

s. 23*a* (3), amended

(2) Subsection 3 of the said section 23*a* is amended by striking out "forester" in the second line and in the third line and inserting in lieu thereof in each instance "manager".

s. 23*a* (4), amended

(3) Subsection 4 of the said section 23*a* is amended by striking out "forester" in the fourth line and inserting in lieu thereof "manager".

s. 30, amended

7. Section 30 of the said Act is amended by striking out "Department" in the third line and inserting in lieu thereof "Ministry".

s. 34 (1), amended

8. Subsection 1 of section 34 of the said Act is amended by striking out "Department" in the eighth line and inserting in lieu thereof "Ministry".

s. 35 (*a*), amended

9. Clause *a* of section 35 of the said Act is amended by striking out "districts" in the first line and inserting in lieu thereof "regions" and by striking out "district" in the second line and inserting in lieu thereof "region".

s. 36 (*a*), amended

10.—(1) Clause *a* of section 36 of the said Act is amended by striking out "district" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "region".

s. 36 (*b*), amended

(2) Clause *b* of the said section 36 is amended by striking out "district" where it occurs in the first line and inserting in lieu thereof in each instance "region".

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1974*.

CHAPTER 23

An Act to amend The Property Tax Stabilization Act, 1973

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Property Tax Stabilization Act, 1973*, being chapter 73, is repealed and the following substituted therefor: s. 2, re-enacted

2. The purpose of this Act is to, Purpose of Act

(*a*) provide for a general support grant to each upper tier municipality and to each lower tier municipality in an amount ranging from 3 per cent to 9 per cent of the net levy of the municipality, with the percentage applicable to each municipality being determined, in the manner prescribed in the regulations, on a sliding scale ranging from 3 per cent where the municipality's gross revenue fund expenditures increase by 14 per cent or more over such expenditures in the previous year to 9 per cent where such increase is 8 per cent or less; and

(*b*) provide an additional grant in the amount of 12 per cent of the net levy of each upper tier municipality and each lower tier municipality that is situate in the northern part of Ontario; and

(*c*) provide for a resource equalization grant to each lower tier municipality whose equalized assessment per capita is below $10,100 in an amount based, in the manner prescribed in the regulations, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to $10,100 as applied to the net levy of the lower tier municipality.

s. 3, re-enacted

2. Section 3 of the said Act is repealed and the following substituted therefor:

General support grant to lower and upper tier municipalities

3.—(1) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a general support grant in 1974 and in each year thereafter to each lower tier municipality and to each upper tier municipality in the amount and in the manner prescribed in the regulations.

Special support grant to municipalities in northern Ontario

(2) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a special support grant in 1974 and in each year thereafter to each lower tier municipality that is situate in the northern part of Ontario and to each upper tier municipality that is situate in the northern part of Ontario, in the amount and in the manner prescribed in the regulations.

Resource equalization grant to lower tier municipalities

(3) The Minister shall, out of the moneys appropriated therefor by the Legislature, make a resource equalization grant in 1974 and in each year thereafter to each lower tier municipality in the amount and in the manner prescribed in the regulations.

s. 4, re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Equalized assessment of lower tier municipality deemed increased

4.—(1) For the purposes of any general or special Act, the equalized assessment of a lower tier municipality shall be deemed for apportionment purposes, other than for school purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment, in the preceding year by the total equalized commercial and industrial assessment for the preceding year, times 1,000.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

Statement

(3) In each year, the clerk of every lower tier municipality that received a resource equalization grant in the preceding year shall transmit, on or before the 1st day of April, to each body, other than a school board, for which the lower tier municipality is required to levy,

a statement of the amount of the resource equalization grant in respect of the preceding year and the amount to be added to the equalized assessment of the municipality under subsection 1.

Idem

(4) In 1974, the statement referred to in subsection 3 shall be transmitted as soon as is practicable after the day on which this section comes into force.

s. 5, repealed

4. Section 5 of the said Act is repealed.

s. 6, re-enacted

5. Section 6 of the said Act is repealed and the following substituted therefor:

Allocation of resource equalization grant

6.—(1) The lower tier municipality shall, in each year, allocate a portion of the resource equalization grant entitlement in that year to each of the bodies, other than a school board, for which the lower tier municipality is required to levy.

Determination of portion allocated

(2) For the purposes of subsection 1, the portion shall be the ratio of taxes levied on commercial and industrial assessment in the preceding year for each such body to the total taxes levied on commercial and industrial assessment in the preceding year for all purposes, other than school purposes.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

(3) In determining the taxes levied on commercial and industrial assessment under subsection 2, there shall be excluded taxes levied on such assessment under section 43 of *The Assessment Act*.

ss. 9, 10, re-enacted

6. Sections 9 and 10 of the said Act are repealed and the following substituted therefor:

Preliminary apportionment

9.—(1) Notwithstanding section 4, a preliminary apportionment may be made in 1974 and an adjustment to the preliminary apportionment shall be made when the statement under subsection 3 of section 4 is received.

Idem

(2) In the case of the regional municipalities of Halton, Peel, Durham, Hamilton-Wentworth and Haldimand-Norfolk, a preliminary apportionment may be made in 1974 notwithstanding section 4 and an adjustment to that apportionment shall be made when the amount of the 1974 resource equalization grant entitlement for all area municipalities in the regional municipality is determined.

Equalized assessment of lower tier municipality deemed increased

10.—(1) In the case of the regional municipalities of Halton, Peel, Durham, Hamilton-Wentworth and Haldi-

mand-Norfolk and for the purposes of section 4, the equalized assessment of a lower tier municipality shall be deemed for apportionment purposes, other than for school purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the current year by the taxation of real property at the mill rate determined by dividing the total taxes levied by the lower tier municipality in the current year for all purposes other than school purposes on commercial and industrial assessment of the current year by the total equalized commercial and industrial assessment for the current year, times 1,000.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment levied under section 43 of *The Assessment Act*.

Commencement

7. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

8. This Act may be cited as *The Property Tax Stabilization Amendment Act, 1974*.

CHAPTER 24

An Act to amend The Regional Municipal Grants Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Regional Municipal Grants Act*, being chapter 405 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 64, section 1 and amended by 1973, chapter 62, section 1, is repealed and the following substituted therefor: s. 2, re-enacted

2. In each year there shall be paid out of the moneys appropriated therefor by the Legislature to each regional municipality a payment or payments in accordance with the population of the area municipalities within the regional municipality under this Act as follows: Per capita grants

1. $9.00 per capita, including 20 cents per capita for increased planning responsibilities.

2. An amount per capita in accordance with the Schedule based on the density of each area municipality.

3. $7.00 per capita where a regional municipality is deemed to be a city for the purposes of *The Police Act*. R.S.O. 1970, c. 351

4. $5.00 per capita based on the population of each area municipality providing its own law enforcement by maintaining its own police force or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*.

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 64, section 2, 1973, chapter 62, s. 3, re-enacted

section 2 and 1973, chapter 160, section 1, is repealed and the following substituted therefor:

Credit to area municipalities

3. In each year the regional municipality shall credit each area municipality with an amount calculated by multiplying the population of the area municipality as determined under section 4 by the sum of,

(*a*) $9.00;

(*b*) the per capita amount in relation to the area municipality in accordance with the Schedule based on the density of the area municipality;

(*c*) $7.00 where a regional municipality is deemed to be a city for the purposes of *The Police Act*; and

R.S.O. 1970, c. 351

(*d*) $5.00 in relation to each area municipality to which paragraph 4 of section 2 applies.

s. 4, re-enacted

3. Section 4 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 160, section 2, is repealed and the following substituted therefor:

Determination of population

4. The population of the area municipalities for the purposes of this Act shall be determined in accordance with the regulations made under *The Property Tax Stabilization Act, 1973*.

1973, c. 73

Commencement

4. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

5. This Act may be cited as *The Regional Municipal Grants Amendment Act, 1974*.

CHAPTER 25

The Municipal Unconditional Grants Act, 1974

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this section,

(*a*) "municipality" means a city, town, village or township but does not include a city, town, village or township situate within a metropolitan or regional municipality;

(*b*) "population" means the population of a municipality determined in accordance with the regulations made under *The Property Tax Stabilization Act, 1973*. 1973, c. 73

Payments to municipalities

(2) In each year payments shall be made to each municipality in accordance with the population of that municipality and the Schedule to this Act.

Idem

(3) In each year payments of $5.00 per capita shall be made to each municipality providing its own law enforcement by maintaining its own police force, or being under contract for the policing of the municipality by the Ontario Provincial Police Force in accordance with *The Police Act*. R.S.O. 1970, c. 351

Utilization of payments

2. The payments made to municipalities under subsections 2 and 3 of section 1 shall be used to reduce the amount of taxes levied on residential and farm property.

Interpretation

3.—(1) In this section,

(*a*) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(*b*) "municipality" means a city, town, village, township, county or a district, metropolitan or regional municipality.

Minister may make grants or loans

(2) Where the Minister is satisfied that property taxes in a municipality are unduly increased by reason of a substantial loss of revenue that had previously been available to a municipality as a result of a change in legislation or an unforeseen commitment imposed on a municipality or as a result of circumstances beyond the control of the municipal council and of an unusual or exceptional nature, the Minister may, by order, make a grant or a loan to such municipality under such terms and conditions as the Minister considers necessary in the circumstances.

Moneys

4. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature.

Repeals

5. The following are repealed:

1. *The Municipal Unconditional Grants Act*, being chapter 293 of the Revised Statutes of Ontario, 1970.

2. *The Municipal Unconditional Grants Amendment Act, 1972*, being chapter 63.

3. *The Municipal Unconditional Grants Amendment Act, 1972* (*No. 2*), being chapter 165.

4. *The Municipal Unconditional Grants Amendment Act, 1973*, being chapter 63.

5. *The Municipal Unconditional Grants Amendment Act, 1973* (*No. 2*), being chapter 170.

Commencement

6. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

7. This Act may be cited as *The Municipal Unconditional Grants Act, 1974*.

SCHEDULE

The following payments are made to municipalities in accordance with subsection 2 of section 1:

1. Having a population of more than 200,000, $1,499,000 plus $8.00 per capita for the population exceeding 200,000.

2. Having a population of more than 100,000 but not more than 200,000, $719,000 plus $7.80 per capita for the population exceeding 100,000.

3. Having a population of more than 75,000 but not more than 100,000, $529,000 plus $7.60 per capita for the population exceeding 75,000.

4. Having a population of more than 50,000 but not more than 75,000, $344,000 plus $7.40 per capita for the population exceeding 50,000.

5. Having a population of more than 25,000 but not more than 50,000, $164,000 plus $7.20 per capita for the population exceeding 25,000.

6. Having a population of more than 20,000 but not more than 25,000, $129,000 plus $7.00 per capita for the population exceeding 20,000.

7. Having a population of more than 15,000 but not more than 20,000, $95,000 plus $6.80 per capita for the population exceeding 15,000.

8. Having a population of more than 10,000 but not more than 15,000, $62,000 plus $6.60 per capita for the population exceeding 10,000.

9. Having a population of more than 5,000 but not more than 10,000, $30,000 plus $6.40 per capita for the population exceeding 5,000.

10. Having a population of not more than 5,000, $6.00 per capita.

CHAPTER 26

An Act to amend The Business Corporations Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 26, section 1, 1972, chapter 1, section 30, and 1972, chapter 138, section 1, is further amended by adding thereto the following paragraph: s. 1 (1), amended

18*a*. "non-resident corporation" means a corporation that is not deemed to be resident in Canada under paragraph *c* of subsection 4 of section 250 of the *Income Tax Act* (Canada). 1970-71, c. 63 (Can.)

(2) Paragraph 23*a* of subsection 1 of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 138, section 1, is repealed and the following substituted therefor: s. 1 (1), par. 23*a*, re-enacted

23*a*. "resident Canadian" means an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence and who is ordinarily resident in Canada.

2. Subsection 3 of section 122 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 138, section 30, is repealed and the following substituted therefor: s. 122 (3), re-enacted

(3) A majority of directors on the board of directors of every corporation other than a non-resident corporation shall be resident Canadians. Directors to be resident Canadians

3. Subsection 2 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 33, is repealed and the following substituted therefor: s. 130 (2), re-enacted

Exception

(2) Where the by-laws of the corporation so provide, the meetings of the board of directors and of the executive committee may be held at any place within or outside Ontario, but, except where the corporation is a non-resident corporation, in any financial year of the corporation a majority of the meetings of the board of directors and a majority of the meetings of the executive committee shall be held at a place within Canada.

s. 132 (2), re-enacted

4. Subsection 2 of section 132 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 34, is repealed and the following substituted therefor:

Conduct of business

(2) Subject to section 133 and subsection 1 of section 23, no business of a corporation shall be transacted by its board of directors except at a meeting of directors at which a quorum of the board is present and, except where the corporation is a non-resident corporation, at which a majority of the directors present are resident Canadians.

s. 133 (1), re-enacted

5.—(1) Subsection 1 of section 133 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 35, is repealed and the following substituted therefor:

Executive committee

(1) Where the number of directors of a corporation is more than six, and if authorized by a special by-law, the directors may elect from among their number an executive committee consisting of not fewer than three of whom, except where the corporation is a non-resident corporation, a majority shall be resident Canadians and the directors may delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the directors.

s. 133 (3), re-enacted

(2) Subsection 3 of the said section 133, as enacted by the Statutes of Ontario, 1972, chapter 138, section 35, is repealed and the following substituted therefor:

Conduct of business

(3) No business shall be transacted by an executive committee except at a meeting of its members at which a quorum of the executive committee is present and, except where the corporation is a non-resident corporation, at which a majority of the members present are resident Canadians.

6. This Act shall be deemed to have come into force on the 1st day of October, 1973. Commencement

7. This Act may be cited as *The Business Corporations Amendment Act, 1974*. Short title

CHAPTER 27

An Act to amend The Paperback and Periodical Distributors Act, 1971

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of subsection 1 of section 1 of *The Paperback and Periodical Distributors Act, 1971*, being chapter 82, is repealed and the following substituted therefor: s. 1 (1) (*e*), re-enacted

(*e*) "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

(2) Subclause i of clause *g* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (*g*) (i), re-enacted

(i) an individual who is not a Canadian citizen or has not been lawfully admitted to Canada for permanent residence.

(3) The said section 1, as amended by the Statutes of Ontario, 1972, chapter 1, section 50, is further amended by adding thereto the following subsection: s. 1, amended

(1*a*) For the purposes of subclause iv of clause *g* of subsection 1, a corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if, Control

(*a*) equity shares of the first-mentioned corporation carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of such other person or corporation or by or for the benefit of such other corporations; and

(*b*) the votes carried by such securities are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned corporation.

s. 9, amended

2. Section 9 of the said Act is amended by adding thereto the following subsection:

Idem

(1*a*) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Paperback and Periodical Distributors Amendment Act, 1974*.

CHAPTER 28

An Act to amend The Mortgage Brokers Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *bb* of section 1 of *The Mortgage Brokers Act*, being chapter 278 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 103, section 1, is repealed and the following substituted therefor: s. 1 (*bb*), re-enacted

(*bb*) "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 59, 1972, chapter 1, section 45 and 1973, chapter 103, section 1, is further amended by adding thereto the following subsection: s. 1, amended

(2) For the purposes of subclause ii of clause *ia* of subsection 1, a corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if, Control

(*a*) equity shares of the first-mentioned corporation carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of such other person or corporation or by or for the benefit of such other corporations; and

(*b*) the votes carried by such securities are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned corporation.

2. Section 9 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 103, section 3, is amended by adding thereto the following subsection: s. 9, amended

Idem

(1*a*) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Mortgage Brokers Amendment Act, 1974*.

CHAPTER 29

An Act to amend The Collection Agencies Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *aa* of section 1 of *The Collection Agencies Act*, being chapter 71 of the Revised Statutes of Ontario, 1970, as relettered by the Statutes of Ontario, 1971, chapter 50, section 21, is repealed and the following substituted therefor: s. 1 (*aa*), re-enacted

(*aa*) "collection agency" means a person other than a collector who obtains or arranges for payment of money owing to another person, or who holds out to the public that he provides such a service or any person who sells or offers to sell forms or letters represented to be a collection system or scheme.

(2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 21 and 1972, chapter 1, section 33, is further amended by adding thereto the following clauses: s. 1, amended

(*db*) "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing;

. . . . .

(*eb*) "non-resident" means an individual, corporation or trust that is not a resident;

. . . .

(*ia*) "resident" means,

(i) an individual who is a Canadian citizen or has been lawfully admitted to Canada

for permanent residence and who is ordinarily resident in Canada,

(ii) a corporation that is incorporated, formed or organized in Canada and that is controlled directly or indirectly by persons who are residents or by a resident trust, or

(iii) a trust that is established by resident individuals or a resident corporation or one in which resident individuals or corporations hold more than 50 per cent of the beneficial interest.

s. 1, amended

(3) The said section 1 is further amended by adding thereto the following subsection:

Corporations

(2) For the purposes of subclause ii of clause *ia* of subsection 1, a corporation shall be deemed to be controlled by another person or corporation or by two or more corporations if,

(*a*) equity shares of the first-mentioned corporation carrying more than 50 per cent of the votes for the election of directors are held, otherwise than by way of security only, by or for the benefit of such other person or corporation or by or for the benefit of such other corporations; and

(*b*) the votes carried by such securities are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned corporation.

s. 6 (1), amended

2. Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 21, is amended by adding "or" at the end of clause *d* and by adding thereto the following clause:

(*e*) the applicant fails to comply with section 10 or 11.

s. 22, renumbered ss. 10, 11, enacted

3. The said Act is amended by renumbering section 22 as section 9 and by adding thereto the following sections:

Resident requirements re individuals

10.—(1) Subject to subsection 2, no individual shall carry on business in Ontario as a collection agency unless,

(*a*) he is a resident; or

(*b*) where he is a member of a partnership or an association, syndicate or organization of individuals, every member thereof is a resident.

(2) An individual who is carrying on business as a registered collection agency immediately before the 9th day of May, 1974, and who on that day is in contravention of subsection 1, may continue to carry on business, subject to the provisions of this Act if, Idem

(a) his interest or any part thereof is not transferred to or for the benefit of a non-resident; or

(b) where he is a member of a partnership or an association, syndicate or organization of individuals, no person who is a non-resident is admitted as a member thereof.

11.—(1) No corporation shall carry on business in Ontario as a collection agency if, Resident requirements re corporations

(a) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction exceeds 25 per cent of the total number of issued and outstanding equity shares of the corporation;

(b) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-resident over which he exercises control or direction together with any other shareholders associated with him, if any, exceeds 10 per cent of the total number of issued and outstanding equity shares of the corporation; or

(c) the corporation is not incorporated by or under an Act of Ontario, Canada or any province of Canada.

(2) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more that one vote shall be calculated as the number of shares equalling the total number of votes it carries. Idem

(3) A corporation that was carrying on business as a registered collection agency immediately before the 9th day of May, 1974, and which on that day is in contravention of subsection 1, may continue to carry on business, subject to the provisions of this Act, Idem

(*a*) in the case of a contravention of clause *a* or *b* of subsection 1, if no transfer or equity shares or beneficial interest therein including their control or direction is made to a non-resident or person associated with him excepting when the result would be in compliance with clause *a* or *b* of subsection 1; or

(*b*) in the case of a contravention of clause *c* of subsection 1, until the 1st day of January, 1976 but a corporation incorporated after this Act comes into force and before the 1st day of January, 1976 by or under an Act of Ontario, Canada or a province of Canada may, notwithstanding clauses *a* and *b* of subsection 1, be registered in the place of the first-mentioned corporation if the equity shares of the new corporation or beneficial interest therein including their control or direction, held by non-residents are held directly or indirectly in the same manner as the equity shares of the first-mentioned corporation, but where the new corporation is in contravention of clause *a* or *b* of subsection 1, clause *a* of this subsection applies.

Associated shareholders

(4) For the purpose of this section, a shareholder shall be deemed to be associated with another shareholder if,

(*a*) one shareholder is a corporation of which the other shareholder is an officer or director;

(*b*) one shareholder is a partnership of which the other shareholder is a partner;

(*c*) one shareholder is a corporation that is controlled, directly or indirectly, by the other shareholder;

(*d*) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder;

(*e*) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(*f*) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Joint ownership

(5) For the purposes of this section, where an equity share of the corporation is held jointly and one or more

of the joint holders thereof is a non-resident, the share shall be deemed to be held by a non-resident.

4. Section 39 of the said Act is amended by adding thereto the following clause: s. 39, amended

(*ab*) exempting persons or classes of persons from this Act or the regulations or any provisions thereof in addition to those exempted under section 2.

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Collection Agencies Amendment Act, 1974*. Short title

CHAPTER 30

An Act to amend The Regional Municipality of Niagara Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 51, section 1, is further amended by adding thereto the following subsection: s. 3, amended

(5) Where the Minister has divided or redivided an area municipality into wards by order made under subsection 3, such division or redivision remains in effect until altered by the Municipal Board and the Municipal Board may divide or redivide any such area municipality into wards in accordance with the provisions of section 13 of *The Municipal Act*. Effect of Minister's order R.S.O. 1970, c. 284

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Regional Municipality of Niagara Amendment Act, 1974*. Short title

CHAPTER 31

An Act to amend The Housing Development Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Housing Development Act*, being chapter 213 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (*a*), re-enacted

(*a*) "building development" means a project or undertaking designed to provide, or to facilitate in any way the provision, repair, rehabilitation or improvement of, housing accommodation with or without public buildings, recreational facilities, industrial and commercial buildings or space appropriate therefor.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: s. 1 (*c*), re-enacted

(*c*) "Minister" means the Minister of Housing.

(3) The said section 1 is amended by adding thereto the following clauses: s. 1, amended

(*d*) "municipality" means the corporation of a county, city, town, village or township or of a district, metropolitan or regional municipality;

(*e*) "regulations" means the regulations made under this Act.

2. Clause *e* of subsection 1 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (1) (*e*), re-enacted

(*e*) make grants or loans in aid of the capital, maintenance, operating and other costs of any building development; and

(*f*) provide financial assistance to or for the benefit of any occupant or any class or classes of occupant of housing accommodation to assist in the payment of rent, mortgage payments or other charges relating to the occupancy of such accommodation.

s. 2*a*, enacted

3. The said Act is amended by adding thereto the following section:

Grants or loans

2*a*.—(1) The Minister, out of the moneys appropriated therefor by the Legislature, may make grants or loans to a municipality or to any person on such terms and conditions and in such amounts as are prescribed by the regulations to assist in the repair, rehabilitation and improvement of real property used for residential purposes, which property is occupied by the owner thereof.

Lien

(2) Where a municipality uses moneys received from the Minister under subsection 1 to make a loan to an owner of real property used for residential purposes for the purposes referred to in subsection 1, the amount of the loan, together with interest at a rate to be determined by the council of the municipality, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made.

Registration of certificate

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to an owner as referred to in subsection 2, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made is discharged.

s. 6 (6, 9, 10), re-enacted

4. Subsections 6, 9 and 10 of section 6 of the said Act are repealed and the following substituted therefor:

Payments in lieu of taxes

(6) The Crown in right of Ontario represented by the Minister may agree to pay annually to any municipality, in respect of any lands in the municipality acquired for any housing project or building development and that are exempt from municipal taxation, a sum of money calculated on any basis whatsoever but not in excess of the amount that in the

opinion of the Minister of Revenue would have been payable to the municipality as taxes on such lands if they had been assessed and taxed in the usual way.

. . . . . .

Power to expedite development of projects or developments

(9) Notwithstanding any other Act, the Lieutenant Governor in Council may authorize any municipality in or near which a housing project or building development is undertaken to do or not to do such acts or things as are considered expedient in order to avoid undue delay in the development of the housing project or building development, including the furnishing of municipal services.

Distribution of payments in lieu of taxes

(10) Where a payment is made to a municipality under subsection 6, such payment shall be distributed by the council of the municipality to each of the bodies for which the council is required by law to levy or collect rates as if the land in respect of which the payment is made had been assessed and taxed in the usual way, and for all purposes of distribution of any part of such payment between school boards, the tenants of such land shall be deemed to be rated as tenants on the assessment roll of the municipality.

5. Section 12 of the said Act is repealed and the following substituted therefor: s. 12, re-enacted

Incorporation of non-profit housing corporation

12.—(1) A municipality, either solely or together with one or more other persons, may incorporate under the laws of Ontario one or more non-profit housing corporations having as the objects of incorporation the provision and operation of housing accommodation with or without any public space, recreational facilities and commercial space or buildings appropriate thereto primarily for persons of low or modest income at rentals below the current rental market in the area in which the accommodation is located.

Provisions applicable to corporation incorporated by municipality

R.S.O. 1970, cc. 89, 53

(2) A municipality that incorporates a corporation as referred to in subsection 1 may own or control all or any part of the shares, capital or assets, as the case may be, of the corporation, provided however that, notwithstanding any of the provisions of *The Corporations Act* or *The Business Corporations Act*, the directors of the corporation shall not declare, nor the corporation pay, any dividends on any issued shares of the corporation, and no part of the income of the corporation shall be payable to or otherwise available for the personal benefit of any shareholder or member of the corporation and its letters patent, supplementary letters patent or articles may so provide.

Acquisition of land by corporation

(3) Where a corporation is incorporated as referred to in subsection 1, the corporation shall not acquire lands for its purposes except with the approval of the Minister or except in accordance with the provisions of an official plan or a policy statement, which official plan provisions or policy statement have been approved by the Minister under section 16.

Non-application of R.S.O. 1970, c. 323, s. 64

(4) Section 64 of *The Ontario Municipal Board Act* does not apply to a corporation as referred to in subsection 1.

s. 14 (*a*), re-enacted

6.—(1) Clause *a* of section 14 of the said Act is repealed and the following substituted therefor:

(*a*) prescribing amounts of and the terms and conditions upon which money may be granted, loaned, advanced or guaranteed under this Act or any section thereof.

s. 14, amended

(2) The said section 14 is amended by adding thereto the following clause:

(*ca*) prescribing forms and providing for their use.

s. 16, re-enacted

7. Section 16 of the said Act is repealed and the following substituted therefor:

Acquisition of land for housing projects

16. If there is an official plan in effect in a municipality that includes provisions relating to the provision of housing, which provisions have been approved by the Minister subsequent to the coming into force of this section, or if the council of a municipality has adopted a policy statement containing provisions relating to the provision of housing which statement has been approved by the Minister, the council of the municipality may,

(*a*) acquire and hold land, with or without buildings thereon, within the municipality for the purpose of a housing project;

(*b*) survey, clear, grade, subdivide, service and otherwise prepare such land for the purpose of the project; and

(*c*) sell, lease or otherwise dispose of such land for a nominal or other consideration for housing purposes.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Housing Development Amendment Act, 1974*.

CHAPTER 32

An Act to amend The Municipal Elections Act, 1972

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 31 of section 1 of *The Municipal Elections Act, 1972*, being chapter 95, is repealed and the following substituted therefor: s. 1, par. 31, re-enacted

31. "regular election" means an election required to be held under section 10 of this Act.

2. Subsection 7 of section 4 of the said Act is amended by inserting after "Every" in the first line "returning officer". s. 4 (7), amended

3. Subsection 2 of section 7 of the said Act is repealed. s. 7 (2), repealed

4. The said Act is amended by adding thereto the following section: s. 7*a*, enacted

7*a*. A person appointed as a scrutineer under section 6 or 7, before being admitted to a polling place shall, if so requested, produce and show his appointment to the deputy returning officer for the polling place. Production of appointment

5. Sections 12 and 13 of the said Act are repealed and the following substituted therefor: ss. 12, 13, re-enacted

12. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and if, at any time during the period commencing on the Tuesday following the first Monday in September and ending on the second Tuesday in October in an election year, he, Electors, resident

(*a*) is a resident in such municipality;

(*b*) is a Canadian citizen or other British subject; and

(*c*) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years.

Electors, non-resident

13. A person is entitled to be an elector in a municipality if he is not disqualified under this or any other Act or otherwise prohibited by law from voting in the election and is not resident in such municipality at any time during the period commencing on the Tuesday following the first Monday in September and ending on the second Tuesday in October in an election year, but at any time during such period, he,

(*a*) is the owner or tenant of land in the municipality or the spouse of such an owner or tenant;

(*b*) is a Canadian citizen or other British subject; and

(*c*) has attained the age of eighteen years or on or before polling day will attain the age of eighteen years.

Judges not qualified to vote

13*a*. No judge of any court is qualified to vote in any election.

s. 15 (*b*), amended

6. Clause *b* of section 15 of the said Act is amended by striking out "making complaints" in the ninth line and inserting in lieu thereof "filing applications".

s. 16 (3), re-enacted

7. Subsection 3 of section 16 of the said Act is repealed and the following substituted therefor:

Appointment to be filed

(3) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a proposed money by-law, it shall, not later than the last day for filing applications for the revision of a preliminary list as hereinafter provided, file with the clerk of the municipality an appointment in writing of a person to vote on a proposed money by-law as its nominee and on its behalf.

s. 17 (1), amended

8. Subsection 1 of section 17 of the said Act is amended by striking out "June" in the third line and inserting in lieu thereof "April".

s. 18, amended

9. Section 18 of the said Act is amended by striking out "second Tuesday of October" in the third line and inserting in lieu thereof "30th day of September" and by striking out "during such period" in the seventh line.

s. 21*a*, enacted

10. The said Act is further amended by adding thereto the following section:

Correction of list if manifest errors in it

21*a*. Where it is apparent to the clerk or the secretary of the school board that the list or part thereof delivered to him under section 21 is not in conformity with the require-

ments for the polling subdivisions or that the list contains gross or manifest errors, the clerk or the secretary, as the case may be, may, prior to the printing or reproduction of the list required under section 22, correct the list or part thereof and shall forthwith notify the assessment commissioner of such corrections, showing the appropriate assessment roll number against each such correction.

11. Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted

22. Immediately after receipt of the list of electors delivered by the assessment commissioner under section 21, the clerk or secretary of the school board referred to in the said section 21, after making corrections, if any, under section 21*a*, shall cause the list to be printed or reproduced and such list shall be the preliminary list of electors. Printing of list

12.—(1) Clauses *a* and *c* of subsection 1 of section 23 of the said Act are repealed and the following substituted therefor: s. 23 (1) (*a*, *c*), re-enacted

(*a*) fix the places at which and the times when revision of the list will be undertaken;

. . . . .

(*c*) publish notice in a newspaper having general circulation in the municipality, of the date of the posting of the list, the last day for filing applications for revision of the list for the purpose of including names of electors who have not been included or of making additions or corrections to or deletions from the list, and the places and times at which the revision of the list will be undertaken and, where there is no such newspaper, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality.

(2) Subsection 2 of the said section 23 is amended by striking out "complaints" in the third line and inserting in lieu thereof "applications for revision". s. 23 (2), amended

(3) The said section 23 is amended by adding thereto the following subsection: s. 23, amended

(2*a*) The last day for the filing of applications for revision of the preliminary list shall be the second Friday preceding nomination day and such applications may be filed with the clerk during his normal office hours. Last day for filing applications for revision of preliminary list

s. 23 (3) (*a*, *d*), re-enacted

(4) Clauses *a* and *d* of subsection 3 of the said section 23 are repealed and the following substituted therefor:

(*a*) stating that the list is a preliminary list of all electors for the election or is a preliminary list of all electors for the polling subdivision, as the case may be, prepared as required by this Act;

. . . . .

(*d*) stating the last day for filing applications concerning such inclusions, additions, corrections or deletions.

s. 24, re-enacted

13. Section 24 of the said Act is repealed and the following substituted therefor:

Revision of list

24.—(1) The clerk or an assistant revising officer shall attend at the revision of the preliminary list and shall continue to do so from day to day or as required until all applications filed before the last day for filing applications for revision of the list have been disposed of.

When applications may be considered

(2) Notwithstanding that the time for filing applications for revision of the preliminary list under section 23 has not expired, the clerk may proceed to consider such applications as from time to time may be received and may determine and dispose of them.

s. 25 (1, 2), re-enacted

14. Subsections 1 and 2 of section 25 of the said Act are repealed and the following substituted therefor:

Application to enter name in list or correct information

(1) A person whose name has not been included in the preliminary list for a polling subdivision in a municipality or whose name has been included therein but the information relating to him set out therein is incorrect or whose name has been included therein as a non-resident and who is qualified to be an elector in more than one ward in the municipality may apply to the clerk or assistant revising officer of the municipality on or before the last day for filing applications for revision of the list to have his name included in the list or to have such information corrected or to have his name deleted from the list and to have it entered in the list of another ward in which he or his spouse is the owner or tenant of land.

Application and declaration

(2) Every person applying under this section shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk or assistant revising officer at the applicant's request and shall declare that he understands

the effect of the statements in the application and that he is an elector entitled to have his name included in the list or to have the list corrected pursuant to his request before the clerk or assistant revising officer enters his name in the list or corrects the preliminary list, as the case may be.

(2*a*) An application made under this section and duly signed by the applicant may be filed by the applicant or by his agent on his behalf. Application filed personally or by agent

15.—(1) Subsection 1 of section 26 of the said Act is amended by striking out "complaints" in the third line and inserting in lieu thereof "applications" and by striking out "a complaint" in the fourth line and inserting in lieu thereof "an application". s. 26 (1), amended

(2) Subsections 2, 3, 4 and 5 of the said section 26 are repealed and the following substituted therefor: s. 26 (2-5), re-enacted

(2) The clerk, upon receipt of an application under this section, shall forthwith cause to be served personally on or sent by registered mail to the person concerning whom the application is made at the address given in the preliminary list and at such other address, if any, as may be mentioned in the application, a notice of hearing requiring such person to appear in person or by his representative on a day and at a time to be fixed in the notice. Notice to person where name objected to

(3) A copy of the application shall accompany a notice served or sent under subsection 2. Copy of application to be served

(4) The clerk shall notify the applicant of the time and place of the hearing. Notice to applicant

(5) On the day for the hearing fixed in a notice given under this section, the person filing the application shall attend before the clerk or assistant revising officer to establish the validity of such application and the clerk or assistant revising officer, after reviewing an explanation of the facts alleged and after hearing what is alleged by the person concerning whom the application was made or by his representative, may delete the name from the preliminary list if he is satisfied of the validity of the application. Decision of clerk, etc.

(6) Where a person concerning whom an application has been made under this section or his representative does not attend before the clerk or assistant revising officer on the day of hearing fixed in the notice and the clerk or assistant revising officer is satisfied that due notice of application has been given to the person or that he could not be found Where person objected to does not appear

and the registered notice could not be delivered, the clerk or assistant revising officer may delete the name of such person from the preliminary list of electors but shall not do so except upon evidence under oath which satisfies him that the name should not have been included in the list.

s. 28, re-enacted

16. Section 28 of the said Act is repealed and the following substituted therefor:

Statement of change

28. Upon determination of all applications for revision of the preliminary list of electors for a municipality filed on or before the last day for filing applications for revision thereof, the clerk shall compile a statement of inclusions in, additions and changes to and deletions from the list, showing the appropriate assessment roll number for each inclusion, addition, change and deletion, and shall send a certified copy of such statement to each person specified in subsections 4 and 5 of section 23.

s. 29 (2), amended

17. Subsection 2 of section 29 of the said Act is amended by inserting after "the" where it occurs the second time in the fifth line "money".

s. 31 (1, 2), re-enacted

18.—(1) Subsections 1 and 2 of section 31 of the said Act are repealed and the following substituted therefor:

Entry of name on list by D.R.O.

(1) If a person whose name is omitted from a polling list certified under section 29, at any time after preparation of the polling list and prior to the closing of the poll, satisfies the clerk of the municipality on oath that he was entitled to be an elector under section 12 or 13 and to have his name entered on the preliminary list for the municipality, the clerk may issue a certificate in the prescribed form authorizing the deputy returning officer for the proper polling subdivision to enter the name of the elector on the polling list for the subdivision and to permit such person to vote, but such vote must be cast before the closing of the poll.

Idem

(2) Where the name of a person is omitted from the polling list as finally revised and such person satisfies the clerk of the municipality on oath that he was under section 12 or 13 otherwise entitled to be an elector and to be entered on the preliminary list except that he was not a Canadian citizen or other British subject, if such person produces for the inspection of the clerk his certificate of naturalization or other conclusive evidence that he has become a Canadian citizen or other British subject, the clerk may issue a certificate authorizing the proper deputy returning officer to enter the name of such person on the polling list to entitle him to vote as if his name had been entered thereon before the list was revised.

(2) Subsection 3 of the said section 31 is amended by adding at the end thereof "or 2". s. 31 (3), amended

(3) Subsection 4 of the said section 31 is repealed and the following substituted therefor: s. 31 (4), re-enacted

(4) The clerk shall furnish a copy of each certificate issued under this section, with the appropriate assessment roll number endorsed thereon, to the assessment commissioner. Copy to assessment commissioner

(5) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book opposite the name and residence of the person voting under the authority of a certificate issued under this section, the words "Voted under section 31 certificate". Entry in poll book

(6) The deputy returning officer shall enclose all certificates to which this section applies in one envelope. Certificates to be kept in separate envelope

19.—(1) Section 33 of the said Act is amended by adding thereto the following subsection: s. 33, amended

(1*a*) Where under subsection 1 nomination day would ordinarily be the 11th day of November, nomination day shall, instead, be Tuesday, the twentieth day before polling day. Nomination day not to be November 11th

(2) Subsections 2 and 3 of the said section 33 are repealed and the following substituted therefor: s. 33 (2, 3), re-enacted

(2) The period during which persons may be nominated as candidates in an election shall be the four days, or, if subsection 1*a* applies, the five days immediately preceding nomination day and until 5 o'clock in the afternoon of nomination day. Period for nomination

(3) The clerk shall publish at least six days prior to the commencement of the period in which nominations may be filed, notice of the time of commencement and closing of such period and of the offices for which persons may be nominated as candidates in the election in a newspaper having general circulation in the municipality and, where there is no newspaper having a general circulation in the municipality, the notice shall be published in such manner as the clerk may direct and shall be posted in at least two conspicuous places in the municipality. Notice of nomination period

20.—(1) Subsection 1 of section 34 of the said Act is repealed and the following substituted therefor: s. 34 (1), re-enacted

How nominated

(1) A person may be nominated as a candidate for an office by filing in the office of the clerk, during the normal office hours of the clerk within the period in which nominations may be filed, a nomination paper in prescribed form which,

(*a*) shall be signed by at least ten electors whose names are entered in the polling lists of electors entitled to vote in an election to such office;

(*b*) shall state the name, occupation and address of the person nominated in such manner as will identify him and the office for which he is nominated; and

(*c*) shall state the name and address of each elector signing the nomination paper and, where the office for which the person is nominated is a member of a school board, that such nominator is a public school elector or a separate school elector, as the fact is.

s. 34 (3), amended

(2) Subsection 3 of the said section 34 is amended by striking out "candidate" in the first line and inserting in lieu thereof "person".

s. 34 (4), amended

(3) Subsection 4 of the said section 34 is amended by striking out "candidate" in the first line and inserting in lieu thereof "person".

s. 35 (2), amended

21.—(1) Subsection 2 of section 35 of the said Act is amended by striking out "for a candidate for an office" in the first line.

s. 35 (4), amended

(2) Subsection 4 of the said section 35 is amended by striking out "the nomination paper for a candidate for an office" in the first line and inserting in lieu thereof "a nomination paper", so that the subsection, exclusive of the clauses, shall read as follows:

Where filed on nomination day

(4) Where a nomination paper is filed in the office of a clerk on nomination day and before the time fixed for the close of nominations,

. . . . .

s. 35 (6), amended

(3) Subsection 6 of the said section 35 is amended by striking out "candidates" in the fourth line and inserting in lieu thereof "persons".

s. 39 (2), amended

22. Subsection 2 of section 39 of the said Act is amended by inserting after "poll" in the second line "and notice of the last day for making application to the clerk for a certificate

to vote by proxy" and by inserting after "publishing" in the fourth line "the notice".

23.—(1) Subsection 1 of section 40 of the said Act is amended by striking out "in prescribed form" in the second line. s. 40 (1), amended

(2) Subsection 2 of the said section 40 is repealed and the following substituted therefor: s. 40 (2), re-enacted

(2) In place of using ballot papers under this Act, the council of a municipality may, by by-law passed on or before the 1st day of April in an election year, authorize the use at the election in that year of voting machines, voting recorders or other voting devices, and a copy of any such by-law shall be forwarded by the clerk of the municipality to the Minister forthwith after it is passed. Voting machines, etc.

(3) Where a municipality authorizes the use of voting machines, voting recorders or other voting devices, the Minister shall, by order, provide for all procedures which may be necessary to implement the use of such machines, recorders or devices and the municipality shall comply with the provisions of the order. Minister's order

24. In the year 1974, the date on or before which a by-law under subsection 2 of section 40, as re-enacted by section 23 of this Act, may be passed is the 28th day of June. Application in 1974

25. Subsections 7 and 8 of section 41 of the said Act are repealed and the following substituted therefor: s. 41 (7, 8), re-enacted

(7) All ballots for election to the same office shall be of the same description and as nearly alike as possible, and the names and occupations, and the addresses if given, of the candidates, the circle or circular space, the instructions referred to in subsection 8, and any lines on the ballot shall be in one colour and the remainder of the face of the ballot shall be another colour, but different colours may be used for ballots to be used for election to different offices. Ballots for same office to be alike

(8) A ballot shall contain instructions as to the number of candidates for which a voter may vote and the name of the office for which the election is being held. Number of candidates and name of office

26. Clause *a* of subsection 7 of section 42 of the said Act is amended by striking out "or" at the end of subclause iii, by adding "or" at the end of subclause iv and by adding thereto the following subclause: s. 42 (7) (*a*), amended

(v) member of the council of both an area municipality and a regional municipality.

s. 43 (1), amended

27. Subsection 1 of section 43 of the said Act is amended by striking out "and approved by the Minister" in the second and third lines.

s. 45 (1), re-enacted

28.—(1) Subsection 1 of section 45 of the said Act is repealed and the following substituted therefor:

Polling places in institutions

(1) Where in a municipality there is situate a hospital or other institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or the armed forces of any member of the Commonwealth, or who are blind or deaf, a Workmen's Compensation hospital or a home for the aged, a polling place shall be provided in such institution or upon the premises, and may be provided in a nursing home or other institution of twenty beds or more in which chronically ill or infirm persons reside, and for the purpose of polling, the institution shall be deemed to be a polling place, and every person resident in the institution who is entered in the polling list is entitled to vote at such polling place only.

s. 45 (3), repealed

(2) Subsection 3 of the said section 45 is repealed.

s. 54, amended

29. Section 54 of the said Act is amended by adding thereto the following subsection:

Copy to clerk and assessment commissioner

(3) The deputy returning officer shall furnish a copy of each such declaration to the clerk who shall, in turn, after endorsing thereon the appropriate assessment roll number, furnish it forthwith to the assessment commissioner.

s. 56 (1), repealed

30.—(1) Subsection 1 of section 56 of the said Act is repealed.

s. 56 (2), amended

(2) Subsection 2 of the said section 56 is amended by inserting after "oath" in the second line "under section 53 or 55".

s. 63, amended

31. Section 63 of the said Act is amended by inserting after "The" where it occurs the first time in the first line "returning officer, the assistant returning officer, the".

s. 64 (1), re-enacted

32.—(1) Subsection 1 of section 64 of the said Act is repealed and the following substituted therefor:

Advance poll

(1) The clerk shall hold an advance poll in accordance with this section on the Saturday nine days before polling day for the purpose of receiving votes of electors who expect to be unable to vote on polling day in the polling subdivisions for which their names appear on the polling lists or who are entitled to vote either under a certificate issued by the clerk under section 31 or who become entitled to vote under section 54.

(1*a*) The council of a municipality may by by-law passed before nomination day provide for the holding by the clerk of additional advance polls for the same purposes as provided in subsection 1. Additional advance poll

(2) Subsection 2 of the said section 64 is amended by striking out "of the two days" in the second and third lines and inserting in lieu thereof "day". s. 64 (2), amended

(3) Subsection 4 of the said section 64 is repealed. s. 64 (4), repealed

33.—(1) Subsection 1 of section 65 of the said Act is amended by inserting after "subdivision" in the second line "or who has obtained a certificate under section 31 entitling him to vote". s. 65 (1), amended

(2) Subsection 3 of the said section 65 is amended by inserting after "the" in the third line "parent, grandparent". s. 65 (3), amended

(3) Subsection 6 of the said section 65 is amended by striking out "shall" in the first line and inserting in lieu thereof "may". s. 65 (6), amended

34. Subsection 1 of section 76 of the said Act is amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause: s. 76 (1), amended

(*d*) the copies of the declaration required to be furnished to the clerk under subsection 3 of section 54.

35. Subsection 2 of section 81 of the said Act is amended by striking out "the municipality whose clerk was the returning officer" in the thirteenth and fourteenth lines and inserting in lieu thereof "a municipality or a school board" and by striking out "thereof" in the eighteenth line and inserting in lieu thereof "who made the declaration". s. 81 (2), amended

36.—(1) Subsection 3 of section 84 of the said Act is amended by adding at the end thereof "except where the recount or final addition has been held at the instance of a school board, in which case the disbursements made by the clerk shall be paid by the board". s. 84 (3), amended

(2) Subsection 6 of the said section 84 is amended by adding at the end thereof "except where the recount or final addition has been held at the instance of a school board, in which case the expenses shall be paid by the board". s. 84 (6), amended

37. Subsection 1 of section 88 of the said Act is repealed and the following substituted therefor: s. 88 (1), re-enacted

Inspection of ballots

(1) No person shall be allowed to inspect the contents of a ballot box in the custody of the clerk except under the order of a judge.

s. 90 (4), re-enacted

38.—(1) Subsection 4 of section 90 of the said Act is repealed and the following substituted therefor:

List of electors

(4) Unless a new preliminary list of electors has been furnished by the assessment commissioner under subsection 5, the preliminary list to be used for preparation of the polling list for a new election shall be the polling list used at the last regular election, which shall be subject to revision as if it were a preliminary list of electors and sections 22 to 28 apply *mutatis mutandis* to the printing or reproduction of the list and to the revision of the list, subject to the following rules:

1. Where a new election is required under clause *a* of section 36 or subsection 3 of section 38, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the Thursday following the day on which the polling for the last regular election was held.

2. Where a new election is required under section 109, the period during which a person may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the receipt by the clerk of the municipality of the copy of the judgment under subsection 6 of section 109.

3. Where a vacancy otherwise occurs and the council of the municipality or a school board for which the clerk is required to hold elections requires an election to be held to fill the vacancy, the period during which an elector may qualify as an elector for the office to be elected shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the passing of the by-law by council or the adoption of the resolution by the school board, as the case may be.

4. Where a by-law or question is to be submitted to the electors, the period during which a person may qualify as an elector entitled to vote on the by-law

or question, as the case may be, shall be the period of qualification specified under section 12 or 13 and the period following such qualification period terminating on the date of the order of the Ontario Municipal Board given under section 262 of *The Municipal Act*. R.S.O. 1970, c. 284

(2) The said section 90 is amended by adding thereto the following subsections: s. 90, amended

(5*a*) The preliminary list for a new election, when revised, shall be subject to certification by the clerk under section 29 and to entry of names in the list under sections 31 and 54. Certification of list

. . . . . .

(8) If election to the office for which a new election is required is to be by ward or other form of division of the municipality it is necessary to revise only that portion of the preliminary list applicable to such ward or other part of the municipality. Revision of partial list

39. Subsection 1 of section 115 of the said Act is amended by adding at the end thereof "or to the secretary of the local board, as the case requires", so that the subsection shall read as follows: s. 115 (1), amended

(1) A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council or to the secretary of the local board, as the case requires. Duplicate of disclaimer to clerk

40. Section 116 of the said Act is amended by inserting after "council" in the fourth line "or as trustee of a police village or as member of a local board, as the case may be". s. 116, amended

41. Section 117 of the said Act is repealed and the following substituted therefor: s. 117, re-enacted

117. The Minister may make regulations prescribing forms for the purposes of this Act. Regulations

42.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent. Commencement

(2) Section 8 comes into force on the 1st day of January, 1975. Idem

43. This Act may be cited as *The Municipal Elections Amendment Act, 1974*. Short title

CHAPTER 33

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loans up to $800,000,000

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* R.S.O. 1970, c. 166 such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate $800,000,000.

Idem

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Loan Act, 1974*.

CHAPTER 34

The Denture Therapists Act, 1974

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Appeal Board" means the Denture Therapists Appeal Board established under section 12;

(*b*) "Board" means the Governing Board of Denture Therapists established under section 2;

(*c*) "Complaints Committee" means the Complaints Committee of the Board established under this Act;

(*d*) "dental surgeon" means a member of The Royal College of Dental Surgeons of Ontario;

(*e*) "denture therapist" means a person licensed under this Act to engage in the practice of denture therapy or the practice of supervised denture therapy;

(*f*) "Discipline Committee" means the Discipline Committee of the Board established under this Act;

(*g*) "Executive Committee" means the Executive Committee of the Board established under this Act;

(*h*) "incompetence" means the display of a lack of knowledge, skill or judgment in the professional care of a patient or disregard for the welfare of a patient of a nature or to an extent that demonstrates that the denture therapist is unfit to continue in the practice of denture therapy or the practice of supervised denture therapy, as the case may be;

(*i*) "licence" means a licence to engage in the practice of denture therapy or the practice of supervised denture therapy as may be specified in the licence, and includes a provisional licence to engage in the practice of denture therapy;

(*j*) "licensee" means a person who is licensed under this Act to engage in the practice of denture therapy or the practice of supervised denture therapy and includes a person who is provisionally licensed to engage in the practice of denture therapy;

(*k*) "Minister" means the Minister of Health;

(*l*) "practice of denture therapy" means,

(i) the taking of impressions or bite registrations for the purpose of, or with a view to, the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any complete upper or complete lower prosthetic denture, or both, to be fitted to an edentulous arch,

(ii) the fitting of any complete upper or complete lower prosthetic denture or both, to an edentulous arch, and

(iii) the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing complete upper or complete lower prosthetic dentures or both in respect of which a service is performed under subclause i or ii;

(*m*) "practice of supervised denture therapy" means,

(i) the taking of impressions or bite registrations for the purpose of, or with a view to, the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any removable prosthetic denture,

(ii) the fitting of any removable prosthetic denture, and

(iii) the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing removable prosthetic dentures in respect of which a service is performed under subclause i or ii;

(*n*) "professional misconduct" means professional misconduct as defined in the regulations;

(*o*) "Registrar" means the officer of the Board appointed as Registrar under subsection 8 of section 2;

(*p*) "Registration Committee" means the Registration Committee of the Board established under this Act;

(*q*) "regulations" means the regulations made under this Act.

Governing Board of Denture Therapists

2.—(1) There shall be a board to be known as the Governing Board of Denture Therapists composed of members appointed by the Lieutenant Governor in Council.

Composition of Board

(2) The Board shall be composed of three members representing the public interest and six denture therapists.

Chairman

(3) The Lieutenant Governor in Council shall designate one of the members of the Board to be the chairman.

Term of office

(4) Every member of the Board shall hold office for a period of not more than three years and is eligible for reappointment so long as he does not serve continuously for more than six years.

Vacancies

(5) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Board a corporation

(6) The Board is a corporation and for its purposes may purchase, acquire, hold, mortgage, lease and dispose of real and personal property.

Quorum

(7) Five members of the Board, at least one of whom shall be a member appointed to represent the public interest, constitute a quorum.

Staff

(8) The Board may employ such officers and employees as are considered necessary for carrying out the duties and functions of the Board and shall appoint an officer of the Board as Registrar.

Objects

(9) The objects of the Board are,

(*a*) to regulate the practice of denture therapy and the practice of supervised denture therapy;

(*b*) to establish, maintain and develop standards of knowledge and skill among denture therapists;

(*c*) to establish, maintain and develop standards of qualification and practice for the practice of denture therapy and the practice of supervised denture therapy;

(*d*) to establish, maintain and develop standards of professional ethics among licensees,

in order that the public interest may be served and protected.

Duties

(10) The Board shall,

(*a*) review the operation of this Act and the regulations and make recommendations to the Minister thereon;

(*b*) approve or set courses of study and examinations for the qualification of applicants for licences;

(*c*) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Remuneration

(11) The members of the Board shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council.

Practice of denture therapy

3.—(1) No person, other than a dental surgeon or a person licensed under this Act as a denture therapist, shall engage in or hold himself out as qualified or entitled to engage in the practice of denture therapy or the practice of supervised denture therapy.

Exception

(2) Subsection 1 does not apply to a student attending a course of study set or approved by the Board and acting under the personal supervision of a person licensed under this Act to engage in the practice of denture therapy for the purpose of completing qualifying studies or practical experience required under the regulations.

Proof of practice

(3) For the purpose of subsection 1, proof of the performance of one act in the practice of denture therapy or the practice of supervised denture therapy on one occasion is sufficient to establish engaging in the practice of denture therapy or the practice of supervised denture therapy, as the case may be.

Issuance of licences

4.—(1) The Registrar shall issue a licence to any applicant therefor who is qualified under this Act and the regulations

and has passed such examinations as the Board may set or approve, and the Registrar shall refer to the Registration Committee every application for a licence that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and duties of Registration Committee

(2) The Registration Committee,

(*a*) shall determine the eligibility of applicants for licences and may require an applicant to take and pass such additional examinations as the Board may set or approve and pay such fees therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(*b*) may exempt an applicant from any licensing requirement.

Idem

(3) The Registration Committee may direct the Registrar to issue or refuse to issue licences or to issue licences subject to such terms, conditions and limitations as the Committee specifies.

Review of qualifications

(4) The Registration Committee may review the qualifications of any licensee and may impose a term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Registers of licensees

(5) The Registrar shall maintain one or more registers in which is entered every person who is licensed to engage in the practice of denture therapy or the practice of supervised denture therapy, identifying the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence and such other information as the Registration Committee or Discipline Committee directs.

Licences under 1972, c. 163

(6) A valid licence issued under *The Denture Therapists Act, 1972* that is in existence immediately before this Act comes into force shall be deemed to be a licence under this Act to engage in the practice of supervised denture therapy.

Provisional licences

(7) The Registrar shall issue a provisional licence to engage in the practice of denture therapy to every holder of a valid licence under *The Denture Therapists Act, 1972* that is in existence immediately before this Act comes into force and who applies to the Registrar in accordance with

the regulations for such provisional licence within one month after this Act comes into force and every provisional licence expires six months after the date of its issuance or upon the issuance to the provisional licensee of a licence to engage in the practice of denture therapy pursuant to subsection 8, whichever first occurs.

Idem

(8) The Registrar shall issue a licence to engage in the practice of denture therapy to a person who is a provisional licensee and who has successfully completed the courses of study required or set by the Board.

Practice of supervised denture therapy

(9) No licensee whose licence is limited to the practice of supervised denture therapy shall practise intra-oral procedures of denture therapy on a patient except in the office of a dental surgeon or dental clinic and under the direct supervision of a dental surgeon.

Idem

(10) A person who is licensed to engage in the practice of denture therapy may also engage in the practice of supervised denture therapy but shall not practise intra-oral procedures associated with the practice of supervised denture therapy that are not associated with the practice of denture therapy on a patient except in the office of a dental surgeon or dental clinic and under the direct supervision of a dental surgeon.

Duty of dental surgeon

(11) Every dental surgeon who uses the services of a denture therapist shall personally supervise the work of the denture therapist on a patient and shall inform himself of all aspects of the progress of the work.

Acts outside scope of practice

(12) No licensed denture therapist shall perform any act in the practice of dentistry except within the scope of the practice of denture therapy or supervised denture therapy performed in the manner required by this Act.

Cancellation for default of fees

(13) The Registrar may cancel a licence for non-payment of any prescribed fee after giving the licensee at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Board in respect of any disciplinary action arising out of his professional conduct while a licensee.

Establishment of committees

5.—(1) The Board shall establish and appoint as hereinafter provided the following committees,

(*a*) Executive Committee;

(*b*) Registration Committee;

(*c*) Complaints Committee;

(*d*) Discipline Committee,

and may establish such other committees as the Board from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of any committee, the members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum.

Executive Committee

6.—(1) The Executive Committee shall be composed of three persons who are members of the Board of whom one shall be a person appointed to represent the public interest.

Quorum

(2) Two members of the Executive Committee constitute a quorum.

Duties

(3) The Executive Committee shall perform such functions of the Board as are delegated to it by the Board, the by-laws or this Act and, subject to ratification by the Board at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Board, other than to make, amend or revoke a regulation or by-law.

Registration Committee

7.—(1) The Registration Committee shall be composed of four members of the Board of whom one shall be a person appointed to represent the public interest.

Chairman

(2) The Board shall name one member of the Registration Committee to be chairman.

Quorum

(3) Three members of the Registration Committee constitute a quorum.

Complaints Committee

8.—(1) The Complaints Committee shall be composed of four members of the Board of whom one shall be a person appointed to represent the public interest.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Board shall name one member of the Complaints Committee to be its chairman.

Quorum

(4) Three members of the Complaints Committee constitute a quorum.

Duties

9.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Board regarding the conduct or actions of any person licensed or provisionally licensed under this Act, but no action shall be taken by the Committee under subsection 2 unless,

(*a*) a written complaint has been filed with the Registrar and the person whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and

(*b*) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(*a*) direct that the matter be referred in whole or in part to the Discipline Committee or to the Executive Committee for the purposes of section 11*a*; or

(*b*) direct that the matter not be referred under clause *a*; or

(*c*) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

Decision

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 14 and, where the decision is taken under clause *b* of subsection 2, written reasons therefor.

Discipline Committee

10.—(1) The Discipline Committee shall be composed of five members of the Board, of whom two shall be persons appointed to represent the public interest.

Quorum and votes

(2) Three or more members of the Discipline Committee, of whom one shall be a person appointed to represent the public interest, constitute a quorum and all disciplinary decisions require the vote of a majority of the members present at the meeting.

Chairman

(3) The Board shall name one member of the Discipline Committee to be its chairman.

Disability of lay member

(4) Where a quorum of the Discipline Committee commences a hearing and the member thereof who represents the public

interest is unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Reference by Board or Executive Committee

(5) Notwithstanding any other provision of this Act, the Board or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a licensee.

Duties of Discipline Committee

11.—(1) The Discipline Committee shall,

(*a*) when so directed by the Board, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any licensee;

(*b*) hear and determine matters referred to it by the Board, Registrar, Executive Committee or Complaints Committee pursuant to this Act; and

(*c*) perform such other duties as are assigned to it by the Board.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

(*a*) consider the allegations, hear the evidence and ascertain the facts of the case;

(*b*) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(*c*) determine whether in respect of the allegations so proved the licensee is guilty of professional misconduct or incompetence;

(*d*) determine the penalty to be imposed as hereinafter provided in cases in which it finds the licensee guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A licensee may be found guilty of professional misconduct by the Committee if,

(*a*) he has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction; or

(*b*) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a licensee to be incompetent if in its opinion he has displayed in his professional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a licensee guilty of professional misconduct or incompetence it may by order,

(*a*) revoke the licence of the licensee;

(*b*) suspend the licence of the licensee for a stated period;

(*c*) impose such restrictions on the licence of the licensee for such a period and subject to such conditions as the Committee designates;

(*d*) reprimand the licensee, and if deemed warranted, direct that the fact of such reprimand be recorded on the register;

(*e*) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

Costs

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Board reimburse the licensee for his costs or such portion thereof as the Discipline Committee fixes.

Stay on appeal for incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct

(8) Where the Discipline Committee revokes, suspends or restricts a licence on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee

(9) Where the Discipline Committee finds a licensee guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the licensee.

Continuation on expiry of Committee membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Board or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpretation

11*a*.—(1) In this section,

(*a*) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(*b*) "incapacitated licensee" means a licensee suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the licensee that he no longer be permitted to practise or that his practice be restricted.

Reference to board of inquiry

(2) Where the Registrar receives information leading him to believe that a licensee may be an incapacitated licensee he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the licensee, appoint a board of inquiry composed of at least two licensees and one member of the Board representing the public interest who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the licensee to submit to physical or mental examination by such qualified person as the board designates and if the licensee refuses or fails to submit to such examination, the board may order that his licence be suspended until he complies.

Hearing by Registration Committee

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the licensee about whom the report is made and, if in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Registration Committee to hold a hearing and may suspend the licensee's licence until the determination of the question of his capacity becomes final.

Parties

(5) The Board, the person whose capacity is being investigated and any other person specified by the Registration Committee are parties to the hearing.

Medical evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings,

(*a*) where the evidence is required by the Board, at least five days before the hearing commences; and

(*b*) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of Registration Committee

(7) The Registration Committee shall, after the hearing,

(*a*) make a finding as to whether or not the licensee is an incapacitated licensee; and

(*b*) where the licensee is found to be an incapacitated licensee by order,

(i) revoke his licence,

(ii) suspend his licence for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as the Committee considers appropriate.

Appeals

(8) Any party to the proceedings before the Registration Committee under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 19 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Denture Therapists Appeal Board

12.—(1) There is hereby established a board to be known as the Denture Therapists Appeal Board.

Composition

(2) The Appeal Board shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall designate one of the members of the Appeal Board to be chairman and one to be vice-chairman.

Disqualification

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who is or has been a member of the governing body of a health discipline or who is or has been registered under this Act or any other Act governing a health practice shall be a member of the Appeal Board.

Term

(4) The members of the first Appeal Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

Vacancies

(5) Every vacancy on the Appeal Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(6) A majority of the members of the Appeal Board constitutes a quorum.

Remuneration

(7) The members of the Appeal Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Seal

(8) The Appeal Board may prescribe and adopt a seal.

Appeal Board employees R.S.O. 1970, c. 386

(9) Such employees as are necessary to carry out the duties of the Appeal Board under this Act shall be employed under *The Public Service Act*.

Duties of Appeal Board

13.—(1) The Appeal Board shall,

(*a*) conduct such hearings and perform such duties as are assigned to it by or under this Act; and

(*b*) submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the

Assembly if it is in session or, if not, at the next ensuing session.

Expert advice

(2) The Board may obtain expert or professional advice in connection with a hearing or complaint but the adviser shall be a person independent of,

(*a*) the parties in the case of a hearing; or

(*b*) the complainant and the licensee complained against in the case of a complaint,

and in the case of a hearing, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice.

Complaints

14.—(1) Where the Complaints Committee has made a disposition of a complaint respecting a licensee in accordance with the provisions of this Act, the Registrar shall send to the licensee and to the complainant by prepaid first class mail, a copy of the written decision made by the Complaints Committee including reasons therefor, if any, together with notice advising the complainant of his right of review under subsection 2.

Review of complaints

(2) A complainant or the licensee complained against who is not satisfied with the decision made by the Complaints Committee disposing of a complaint, except a decision to refer a matter to the Discipline Committee, may within twenty days of receipt of the written decision request the Appeal Board to review the decision and the Appeal Board shall require the Registrar to transmit to the Appeal Board within fifteen days of the Appeal Board's request, a record of the investigation and all such documents and things upon which the decision was based and the Appeal Board shall review the decision after giving the complainant an opportunity to state his complaint and the licensee an opportunity to state his answer thereto, either personally, by his agent or in writing.

Investigation of complaint by Appeal Board

15. Where a complaint respecting a licensee has not been disposed of by the Complaints Committee within sixty days after the complaint is made, the Appeal Board upon application therefor may require the Complaints Committee to make an investigation and, where the investigation of the complaint has not been undertaken, completed and reported on to the Appeal Board by the committee within sixty days after the Appeal Board's request, the Appeal Board shall undertake such investigation and possesses all the powers of investigation that the Complaints Committee or the Registrar has conferred upon it in this Act.

Powers of Appeal Board after review or investigation of complaint

16.—(1) The Appeal Board may after review or investigation of a complaint under section 14 or 15 refer the complaint to the Complaints Committee and the Appeal Board may,

(*a*) confirm the decision, if any, made by the Complaints Committee;

(*b*) make such recommendations to the Complaints Committee as the Appeal Board considers appropriate; or

(*c*) require the Complaints Committee to take such action or proceedings as the committee is authorized to undertake under this Act.

Appeal Board quorum

(2) Three members of the Appeal Board constitute a quorum for purposes of investigation or review of a complaint or for a hearing.

Decision and reasons

(3) The Appeal Board shall give its decision and reasons therefor in writing to the complainant and the licensee complained against.

Notice of proposal to refuse registration

17.—(1) Where the Registration Committee proposes to refuse to grant a licence to an applicant, or proposes to attach terms, conditions or limitations to a registration, the Registrar on behalf of the committee shall serve notice of the proposal of the committee, together with written reasons therefor, on the applicant or licensee and a copy thereof to the Appeal Board.

Exemptions

(2) Subsection 1 does not apply to a refusal to grant a licence to a person who was previously licensed and whose licence was suspended or revoked as a result of a decision of the Discipline Committee.

Notice requiring hearing or review

(3) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Appeal Board or to a review by the Appeal Board of his application and documentary evidence in support thereof without oral evidence, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Appeal Board requiring a hearing or such review by the Appeal Board, as he specifies.

Powers of Registration Committee where hearing or review

(4) Where an applicant or licensee does not require a hearing or review by the Appeal Board in accordance with subsection 3, the Appeal Board shall so notify the Registration Committee and the committee may carry out the proposal stated in its notice under subsection 1.

Findings of fact

(5) The findings of fact of the Appeal Board pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Procedures on hearings

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 18 apply *mutatis mutandis* to proceedings before the Appeal Board under this section.

Powers of Appeal Board upon hearing or review

(7) The Appeal Board shall, after the hearing or review,

(*a*) confirm the proposed decision of the Registration Committee; or

(*b*) require the Registration Committee to permit the applicant to take qualifying examinations or additional training as a condition for licensing, or both as specified by the Registration Committee; or

(*c*) require the Registration Committee to direct the Registrar to register the applicant on any appropriate register subject to such conditions as the Appeal Board considers appropriate in cases where the Appeal Board finds that the applicant meets the requirements for licensing and that the committee has exercised its powers improperly; or

(*d*) refer the matter back to the Registration Committee for further consideration and the Appeal Board may make such recommendations as it considers appropriate in the circumstances.

Parties

(8) The Registration Committee and the applicant or licensee are parties to proceedings before the Appeal Board under this section.

Appeals

(9) Any party to proceedings before the Appeal Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 19 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Parties to discipline proceedings

18.—(1) In proceedings before the Discipline Committee, the Board and the licensee whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A licensee whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which shall be given in evidence at the hearing.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where, *In camera* 1971, c. 47

(*a*) matters involving public security may be disclosed; or

(*b*) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost. Recording of evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971* nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it. Evidence

(7) No member of the Discipline Committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the committee within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

19.—(1) Any party to proceedings before the Discipline Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

Powers of court on appeal

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee or the Board to take any action which the committee or the Board may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee, or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Restoration of licence

20.—(1) A person whose licence has been revoked or suspended for cause under this Act may apply in writing to the Registrar for the issuance of a licence or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

Reference to Discipline Committee or Registration Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Registration Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Board and to the former licensee.

Procedures

(3) The provisions of this Act applying to proceedings of the Appeal Board on hearings and review in respect of applications for registration, except subsection 9 of section 17 apply, *mutatis mutandis*, to proceedings of the Registration Committee and Discipline Committee under this section.

Investigation of members

21.—(1) Where the Registrar believes on reasonable and probable grounds that a licensee has committed an act of professional misconduct or incompetence, the Registrar may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the licensee in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to

the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the person whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the person whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of Registrar

(7) The Registrar shall report the results of the investigation to the Board or the Executive Committee or to such other committee as he considers appropriate.

Matters confidential

22.—(1) Every person employed in the administration of this Act, including any person making an inquiry or investigation under section 21 and any member of the Board or a Committee shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 21 and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;

(*b*) to his counsel; or

(*c*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws.

Regulations

23.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Board may make regulations,

(*a*) respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences;

(*b*) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;

(*c*) providing for the maintenance and inspection of registers of persons permitted to practise;

(*d*) governing standards of practice for the profession;

(*e*) authorizing persons other than licensees to perform specified acts in the practice of denture therapy under the supervision or direction of a licensee;

(*f*) prohibiting the practice of denture therapy where there is a conflict of interest and defining the activities that shall constitute a conflct of interest for the purpose;

(*g*) defining professional misconduct for the purposes of this Act;

(*h*) providing for a program of continuing education of licensees to maintain their standard of competence and requiring licensees to participate in such continuing education;

(*i*) providing for the establishment and operation of an appraisal committee for the purposes of examining and assessing the standard of practice of licensees and reporting thereon to the Board and examining and assessing the standards of practice, qualifications and continuing education of licensees and making recommendations to the Registration Committee thereon;

(*j*) regulating, controlling and prohibiting the use of terms, titles or designations by licensees or groups or associations of licensees in respect of their practices;

(*k*) respecting the reporting and publication of decisions in disciplinary matters;

(*l*) providing for the compilation of statistical information on the supply, distribution and professional activities of licensees and requiring licensees to provide the information necessary to compile such statistics;

(*m*) respecting the duties and authority of the Registrar;

(*n*) requiring and providing for the inspection and examination of the office, records and equipment of licensees in connection with their practice;

(*o*) prescribing the records that shall be kept respecting patients;

(*p*) requiring the payment of annual fees by licensees and fees for licensing, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

(*q*) prescribing forms and providing for their use;

(*r*) providing for the exemption of any licensee from any provision of the regulations under such special circumstances in the public interest as the Board considers advisable.

Regulations by Lieutenant Governor in Council

(2) Where the Minister requests in writing that the Board make, amend or revoke a regulation under subsection 1 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

By-laws

24.—(1) The Board may pass by-laws relating to the administrative and domestic affairs of the Board not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

(*a*) prescribing the seal of the Board;

(*b*) providing for the execution of documents by the Board;

(*c*) respecting banking and finance;

(*d*) fixing the financial year of the Board and providing for the audit of the accounts and transactions of the Board;

(*e*) respecting the calling, holding and conducting of meetings of the Board and the duties of members of the Board;

(*f*) respecting the calling, holding and conducting of meetings of licensees;

(*g*) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;

(*h*) delegating to the Executive Committee such powers and duties of the Board as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

(*i*) providing for a code of ethics;

(*j*) prescribing forms and providing for their use;

(*k*) providing procedures for the making, amending and revoking of the by-laws;

(*l*) respecting management of the property of the Board;

(*m*) respecting the application of the funds of the Board and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

(*n*) providing for the entering into arrangements by the Board for licensees respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by licensees and exempting licensees or any class thereof from all or part of any such levy;

(*o*) respecting membership of the Board in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;

(*p*) providing for the appointment of inspectors for the purposes of this Act;

(*q*) respecting all of the things that are considered necessary for the efficient conduct of the affairs of the Board.

Distribution of by-laws

(2) A copy of the by-laws made under subsection 1 and amendments thereto,

(*a*) shall be forwarded to the Minister;

(*b*) shall be forwarded to each licensee; and

(*c*) shall be available for public inspection in the office of the Board.

Restraining orders

25.—(1) Where it appears to the Board that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Board may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Penalties

26.—(1) Every person who is in contravention of section 3 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $2,000 and for each subsequent offence to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who, not being a licensee, uses an occupational designation prescribed or prohibited by the regulations to be used by licensees or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $1,000 and for each subsequent offence to a fine of not more than $2,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 21 in the course of his duties is guilty of an offence and on summary conviction is liable to a fine not exceeding $2,000.

Service of notice

27.—(1) Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Administering oaths

(2) Every member of the Appeal Board and of the Discipline Committee has power to administer oaths and affirmations for the purposes of any of its proceedings.

Registrar's certificate as evidence

28. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Board is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity of Appeal Board and committees

29. No action or other proceeding for damages shall be instituted against the Appeal Board, the Board, a committee of the Board or any member of the Appeal Board, the Board or committee, or any officers, employees, agents or appointees of the Appeal Board or the Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Limitation for malpractice actions

30. No licensee is liable to any action arising out of negligence or malpractice in respect of professional services requested or rendered unless such action is commenced

within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which he alleges negligence or malpractice.

Falsification of certificates

31.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence, certificate or document with respect to registration is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

Offences for false representation

(2) Any person who wilfully procures or attempts to procure himself to be licensed or registered under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 and every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

Onus of proof respecting licensing

32. Where licensing under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was so licensed under this Act rests upon the accused.

Repeal

33. *The Denture Therapists Act, 1972*, being chapter 163, is repealed.

Commencement

34. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

35. This Act may be cited as *The Denture Therapists Act, 1974*.

CHAPTER 35

An Act to amend The Dentistry Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20*a* of *The Dentistry Act*, being chapter 108 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 141, section 3, is repealed. s. 20*a*, repealed

2. Subsection 4*a* of section 21 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 141, section 2, is repealed and the following substituted therefor: s. 21 (4*a*), re-enacted

(4*a*) Nothing done in the practice of denture therapy or the practice of supervised denture therapy as defined in *The Denture Therapists Act, 1974* by a denture therapist licensed or provisionally licensed thereunder shall be deemed to be a contravention of this section. Idem 1974, c. 34

3. Subsection 1 of section 21*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 141, section 3, is amended by striking out "required by section 15 of *The Denture Therapists Act, 1972*" in the third and fourth lines and inserting in lieu thereof "set out in subsection 11 of section 4 of *The Denture Therapists Act, 1974*". s. 21*a*(1), amended

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. This Act may be cited as *The Dentistry Amendment Act, 1974*. Short title

CHAPTER 36

An Act to amend The Ministry of Government Services Act, 1973

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Ministry of Government Services Act, 1973*, being chapter 2, is repealed and the following substituted therefor: s. 1 (*c*), re-enacted

(*c*) "Government" means the Government of Ontario and any ministry or agency thereof and the Crown in right of Ontario and any agency thereof;

(*ca*) "Government related agency" includes Ontario Hydro, the Ontario Transportation Development Corporation, the Ontario Food Terminal Board, any public institution that is assisted by money appropriated by the Legislature and a corporation with or without share capital, the controlling interest of which is owned by the Crown in right of Ontario or whose bonds or debentures are guaranteed by the Crown in right of Ontario.

2. Section 5 of the said Act is repealed and the following substituted therefor: s. 5, re-enacted

5. The Ministry shall be operated as a service agency for the Government and its activities shall be directed towards providing the Government with services in support of Government programs. Functions of Ministry

3.—(1) Clause *b* of subsection 1 of section 6 of the said Act is amended by striking out "all" in the second line. s. 6 (1) (*b*), amended

(2) Clause *a* of subsection 2 of the said section 6 is amended by inserting after "the" in the second line "effectiveness". s. 6 (2) (*a*), amended

s. 6 (2), amended

(3) Subsection 2 of the said section 6 is amended by adding "and" at the end of clause *c* and by striking out clause *d*.

s. 8 (1), re-enacted

4.—(1) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Acquisition of property, for use of Government

(1) The Minister may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of Government and he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of Government.

for use of Government related agency

(1*a*) The Minister, if requested by a Government related agency, may acquire by purchase, lease or otherwise, and hold property, real or personal, including any interest therein, for the use or purposes of the Government related agency, and, if requested by such agency, he may dispose of all or any part of such property or any interest therein by sale, lease or otherwise, when no longer required for the use or purposes of the Government related agency.

s. 8, amended

(2) The said section 8 is amended by adding thereto the following subsection:

Expropriation by Minister on behalf of Government or Government related agency R.S.O. 1970, c. 154

(2*a*) Subject to *The Expropriations Act* and this Act, but notwithstanding that the Government or any Government related agency has, under any other special or general Act, authority, without the consent of the owner, to enter upon, take and expropriate land or any interest therein, the Minister, upon the request of the Government or Government related agency or as he may be directed by the Lieutenant Governor in Council, may, for and in the name of the Crown and without the consent of the owner thereof, enter upon, take and expropriate land or any interest therein on behalf of the Government or Government related agency under this Act.

s. 8, amended

(3) The said section 8 is further amended by adding thereto the following subsection:

Application of subs. 3 to leases and easements

(4) Subsection 3 does not apply to a grant of a lease for a term of less than twenty-one years or to a grant of an easement.

s. 9, re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Property vested in Crown

9.—(1) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all public works and all property, real or personal, or any interest therein, belonging to the Government shall vest in the Crown.

Property under control of Minister

(2) Except as otherwise provided in any other Act or by the Lieutenant Governor in Council, all real property, or any interest therein, belonging to the Government shall be under the control of the Minister.

Instruments creating rights analogous to easements

9*a*.—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto in favour of the Crown, in respect of any public work, is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown.

Terms of instrument binding on successors

(2) On and after the registration of an instrument to which subsection 1 applies in the proper land registry office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

Liability of grantor for breach of covenant limited

(3) A party to an instrument to which subsection 1 applies or a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

Land to remain subject to instrument when sold for taxes

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

Application

(5) This section applies notwithstanding that such right, interest, covenant or condition was granted or created by or contained in an instrument executed before the date this section comes into force.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ministry of Government Services Amendment Act, 1974*.

CHAPTER 37

An Act to amend The Public Service Superannuation Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 1 of section 1 of *The Public Service Superannuation Act*, being chapter 387 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 1, is further amended by adding at the end thereof "or a person who is a contributor to a fund to which the Crown contributes other than the Public Service Superannuation Fund". s. 1 (1) (*d*), amended

2. Subsection 2 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (2), re-enacted

(2) The members of the Board shall be appointed by the Lieutenant Governor in Council, one of whom shall be the representative of the Civil Service Commission and one of whom shall be the representative of the Civil Service Association of Ontario. Composition

3. Subsection 5 of section 5 of the said Act is repealed. s. 5 (5), repealed

4. Subsection 6 of section 8 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 2, is amended by striking out "rate of salary authorized at the time when he made the election" in the eleventh and twelfth lines and inserting in lieu thereof "last rate of salary authorized to be paid to him during such service or to the rate of salary authorized to be paid to him at the time when he made the election, whichever is greater". s. 8 (6), amended

5. Subsection 1 of section 10 of the said Act is amended by striking out "Consolidated Revenue Fund" in the third line and inserting in lieu thereof "moneys appropriated therefor by the Legislature". s. 10 (1), amended

s. 11 (3) (*b*), amended

6. Clause *b* of subsection 3 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 3, is amended by striking out "his latest birthday preceding, or coincident with" in the second and third lines.

s. 14 (2), amended

7.—(1) Subsection 2 of section 14 of the said Act is amended by striking out "year's maximum pensionable earnings under the *Canada Pension Plan* established at the time he ceased to be employed" in the fourth, fifth and sixth lines and inserting in lieu thereof "average maximum pensionable earnings".

s. 14, amended

(2) The said section 14, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 6, is further amended by adding thereto the following subsection:

Interpretation

R.S.C. 1970, c. C-5

(3) In subsection 2, "average maximum pensionable earnings" with respect to any contributor means the average of the year's maximum pensionable earnings under the *Canada Pension Plan* for the year in which the contributor ceased to be employed in the public service and for each of the two preceding years.

s. 14 (7), repealed

(3) Subsection 7 of the said section 14 is repealed.

s. 14 (9), amended

(4) Subsection 9 of the said section 14 is amended by striking out "has credit in the Fund in respect of employment in the public service before the 1st day of January, 1966, and who ceases to be employed in the public service on or after that date shall, if he is qualified for" in the first, second, third and fourth lines and inserting in lieu thereof "was a contributor to the Fund on the 31st day of December, 1965, and who has been employed in the public service without an interruption of over three months since that date shall, if he becomes entitled to".

s. 16 (2), amended

8.—(1) Subsection 2 of section 16 of the said Act is amended by adding at the commencement thereof "Subject to subsection 2*a*".

s. 16, amended

(2) The said section 16, as amended by the Statutes of Ontario, 1971, chapter 40, section 3, is further amended by adding thereto the following subsection:

Special case

(2*a*) Where a person referred to in subsection 2 was receiving an immediate annuity under clause *b* of subsection 3 or subsection 4 or 5 of section 13, the recalculation under subsection 2 shall be adjusted by the Board to take into account the amount of the annuity he has received.

9. Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor: s. 17 (1), re-enacted

(1) Where a contributor, Refunds

(*a*) resigns or is dismissed and is not entitled to or granted an allowance or an immediate annuity; or

(*b*) dies leaving no widow or widower, or no child or children under the age of eighteen years,

an amount equal to the total of his or her contributions to the Fund with interest shall be paid to him or her in monthly instalments or otherwise as he or she directs or to his or her personal representative, as the case may be.

10. Section 20 of the said Act, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 10, section 8, is further amended by adding thereto the following subsection: s. 20, amended

(10) For the purposes of this section, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board for the purposes of this section as a place of higher education, shall be deemed not to have attained the age of eighteen years. Exception for higher education

11.—(1) Subsection 1 of section 26 of the said Act is amended by striking out "4¾" in the third line and inserting in lieu thereof "6". s. 26 (1), amended

(2) Subsections 4 and 5 of the said section 26 are repealed and the following substituted therefor: s. 26 (4, 5), re-enacted

(4) Where the contributions of a person mentioned in subsection 3 are transferred from the Teachers' Superannuation Fund to the Fund, the Board may allow him such credit in the Fund in respect of the amount so transferred and the period of service represented thereby as the Board may determine. Service credits

(5) A contributor to the Fund whose contributions in the Teachers' Superannuation Fund were transferred to the Fund may, if a written request is made to the Board on or before the 31st day of December, 1975, have his service credit reassessed under subsection 4, and, where his service credit is so reassessed, he shall for all purposes, other than for his service credit, be deemed to have become a contributor to the Fund on the 1st day of January, 1966. Option

s. 28, re-enacted

12. Section 28 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 40, section 6, 1971 (2nd Session), chapter 10, section 9 and 1972, chapter 1, section 76, is repealed and the following substituted therefor:

Interpretation

28.—(1) In this section, "pensionable service" of a contributor means service in respect of which he has made contributions to the pension fund of an employer recognized in subsection 3.

Transfer from Fund to another superannuation fund

(2) Where a contributor, within three months after leaving the service of the Crown, becomes a member of,

(*a*) the civil service of Canada or of any province of Canada;

(*b*) the civic service of any municipality in Ontario;

(*c*) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;

(*d*) the staff of any Crown corporation of Canada or of any province of Canada;

(*e*) the staff of any university in Ontario or of any college of applied arts and technology to which *The Ministry of Colleges and Universities Act, 1971* applies;

1971, c. 66

(*f*) the Canadian Forces; or

(*g*) the clergy of a religious denomination in any province of Canada having been a chaplain in the public service of Ontario,

a sum of money equal to his contributions and such portion, if any, of the Government's contributions with respect thereto, as the Board determines, with interest at such rate as the board determines, shall be paid out of the Fund into any like fund or registered pension plan of a religious denomination maintained to provide superannuation benefits for the members of such civil or civic service or staff or the Canadian Forces or clergy, as the case may be.

Transfer from another superannuation fund to Fund

(3) A contributor who, within three months before entering the service of the Crown, had pensionable service as a member of,

(*a*) the civil service of Canada or of any province of Canada;

(*b*) the civic service of any municipality in Ontario;

(*c*) the staff of any board, commission or public institution established under any Act of the Legislature of Ontario;

(*d*) the staff of any Crown corporation of Canada or of any province of Canada;

(*e*) the staff of any university in Ontario or of any college of applied arts and technology to which *The Ministry of Colleges and Universities Act, 1971* applies; 1971, c. 66

(*f*) the Canadian Forces; or

(*g*) the practising clergy contributing to a registered pension plan of his religious denomination,

may count such pensionable service for the purposes of this Act if he elects to pay into the Fund within one year after the day this subsection came into force or within one year after becoming a contributor to the Fund and agrees to pay on terms satisfactory to the Board and pays an amount equal to twice the amount that he would have paid if he had contributed to the Fund during such pensionable service except that the rate of contribution for service before the 1st day of January, 1966 shall be 6 per cent and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during the period of such pensionable service shall be deemed to be equal to the rate of salary authorized to be paid to him at the time he became a contributor under this Act, together with interest at such rate as the Board determines.

Civil or civic pensionable service

(4) A contributor who is entitled under subsection 3 to establish credit in the Fund and who had civil or civic pensionable service, or both, may establish credit in respect of any or all of such pensionable service provided the periods of employment were not interrupted for more than three months at any time.

Part service

(5) A contributor who is entitled under subsection 3 to establish credit in the Fund may establish credit in respect of a part only of his pensionable service, in which case the relevant provisions of this section apply *mutatis mutandis*.

Open option

(6) A contributor who is entitled under subsection 3 to establish credit in the Fund for his pensionable service but who has failed to establish credit under subsection 3 may

establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him at the time he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

Exception

(7) No contributor shall be given credit in the Fund in respect of his pensionable service for which he is entitled to credit in his previous employer's pension fund unless he withdraws his contributions from such pension fund or arranges for them to be transferred to the Fund.

Agreements authorized

(8) Notwithstanding subsections 2 and 3, the Minister, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission, public institution, Crown corporation or religious denomination mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

Idem

(9) An agreement entered into under subsection 8 may provide that, for the purpose of computing the minimum requirement of ten years of service for an allowance or an annuity, service rendered to the other party to the agreement may be included up to the maximum set forth in the agreement, and any such allowance or annuity shall then be computed upon the service for which contributions have been made to the Fund.

Application of s. 10 (1)

(10) Subsection 1 of section 10 does not apply with respect to any amount credited to the Fund under this section.

s. 29, re-enacted

13. Section 29 of the said Act is repealed and the following substituted therefor:

Reinstatement when re-employed

29.—(1) A former contributor who was or is re-employed and who has become or becomes a contributor under this Act may reinstate his account in the Fund.

Election to reinstate where prior contributions withdrawn

(2) If a contributor who has withdrawn his prior contributions with interest thereon elects, within one year after the day this section came into force or within one year after again becoming a contributor, to reinstate his account under subsection 1, he shall pay into the Fund an amount equal to the amount that he would have paid if he had contributed

to the Fund during his prior service except that the rate of contribution shall be 6 per cent for service before the 1st day of January, 1966 and thereafter in accordance with section 7 and the rate of salary authorized to be paid to him during his period of prior service shall be deemed to be equal to the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor under this Act, together with interest at such rate as the Board determines.

Where prior contributions not withdrawn

(3) Where a contributor who elects to reinstate his account under subsection 1 has not withdrawn his prior contributions with interest thereon, the amount of such contributions shall, in lieu of being paid to him, be applied on account of the amount required by this section to be paid by him to reinstate his account in the Fund.

Part of past service

(4) A contributor who is entitled under subsection 1 to reinstate his account may re-establish credit in respect of a part only of his prior service, in which case the relevant provisions of this section apply *mutatis mutandis*.

Open option

(5) A contributor who is entitled under subsection 1 to reinstate his account but who has failed to do so under subsection 2 may re-establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

s. 29*a*, enacted

14. The said Act is amended by adding thereto the following section:

Military service

29*a*.—(1) Every contributor who was on active service in His or Her Majesty's military, naval, or air forces in World War II or the Korean War may, on producing proof of such service, establish credit in the Fund in respect of such service.

Credit for military service

(2) A contributor who is entitled under subsection 1 to establish credit in the Fund and who elects to contribute within one year after the day this section came into force or within one year after becoming a contributor is entitled to credit in the Fund for such active service if he agrees to pay on terms satisfactory to the Board and pays an amount equal to 12 per cent of the rate of salary authorized to be paid to him on the most recent occasion on which he became a

contributor under this Act for each year and part of a year of such active service, together with interest at such rate as the Board determines.

Part of service

(3) A contributor who is entitled under subsection 1 to establish credit in the Fund may establish credit in respect of a part only of such active service, in which case the relevant provisions of this section apply *mutatis mutandis*.

Open option

(4) A contributor who is entitled under subsection 1 to establish credit in the Fund but who has failed to establish credit under subsection 2 may establish credit at any time before ceasing to be a contributor, and the relevant provisions of this section apply *mutatis mutandis*, except that the rate of salary authorized to be paid to him on the most recent occasion on which he became a contributor shall be deemed to be equal to the rate of salary authorized to be paid to him at the time when he made the election and interest shall be added at such rate as the Board determines.

Exception

(5) No contributor shall be given credit in the Fund in respect of such active service if he is entitled to credit for such service in computing another pension, except a pension granted for a disability resulting from war service.

Application of s. 10 (1)

(6) Subsection 1 of section 10 does not apply with respect to any amount credited to the Fund under this section.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Public Service Superannuation Amendment Act, 1974*.

CHAPTER 38

An Act to amend The Shoreline Property Assistance Act, 1973

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Shoreline Property Assistance Act, 1973*, being chapter 22, is repealed and the following substituted therefor: s. 5 (6), re-enacted

(6) The debentures shall provide that the municipality or district or regional municipality, as the case may be, may at any time repay the whole amount of principal and interest owing at the time of such prepayment. Prepayment

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11. The owner of land in respect of which money has been borrowed under this Act may at any time obtain a discharge of the indebtedness by paying to the treasurer of the municipality the amount outstanding together with accrued interest at the rate at which the funds were borrowed. Discharge of indebtedness by owner

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Shoreline Property Assistance Amendment Act, 1974*. Short title

CHAPTER 39

An Act to amend The Credit Unions Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 32 of *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970, is repealed. s. 32 (2), repealed

2. Section 62 of the said Act is amended by adding thereto the following clause: s. 62, amended

(*da*) prescribing the rate of interest and other charges that may be charged in connection with loans made by credit unions to members.

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

4. This Act may be cited as *The Credit Unions Amendment Act, 1974*. Short title

CHAPTER 40

An Act to amend The Succession Duty Act

Assented to June 18th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a* and *aa* of subsection 1 of section 7 of *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, are repealed. s. 7 (1) (*a*, *aa*), repealed

(2) Clause *a* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor: s. 7 (5) (*a*), re-enacted

(*a*) exceeds $150,000 and does not exceed $200,000—25 per cent plus 1/50 of 1 per cent for each full $1,000 by which the aggregate value exceeds $150,000.

(3) Clause *aa* of subsection 5 of the said section 7, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor: s. 7 (5) (*aa*), re-enacted

(*aa*) exceeds $150,000 and does not exceed $160,000—6.9 per cent plus 1/50 of 1 per cent for each full $2,000 by which the amount exceeds $150,000.

(4) Clause *a* of subsection 6 of the said section 7, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 3, section 2, is repealed and the following substituted therefor: s. 7 (6) (*a*), re-enacted

(*a*) exceeds $150,000 and does not exceed $200,000—37.5 per cent plus 5/50 of 1 per cent for each full $2,000 by which the aggregate value exceeds $150,000.

(5) Subclause i of clause *c* of subsection 8 of the said section 7, as amended by the Statutes of Ontario, s. 7 (8) (*c*) (i), amended

1971, chapter 15, section 2, is further amended by striking out "$100,000" in the amendment of 1971 and inserting in lieu thereof "$150,000".

s. 7 (11) (*d*) (ii), amended

(6) Subclause ii of clause *d* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1973, chapter 109, section 2, is amended by striking out "$2,000" in the sixth line and inserting in lieu thereof "$3,000".

s. 7 (11) (*d*) (iii), amended

(7) Subclause iii of clause *d* of subsection 11 of the said section 7 is amended by striking out "$4,000" in the sixth line and inserting in lieu thereof "$6,000".

s. 7 (11) (*d*) (iv), amended

(8) Subclause iv of clause *d* of subsection 11 of the said section 7 is amended by striking out "$4,000" in the third line of sub-subclause A and in the third line of sub-subclause B and inserting in lieu thereof in each instance "$6,000".

s. 7 (11) (*e*), amended

(9) Clause *e* of subsection 11 of the said section 7, as re-enacted by the Statutes of Ontario, 1973, chapter 109, section 2, is amended by striking out "one-tenth" in the second line and inserting in lieu thereof "15 per cent".

s. 17*a* (1) (*b*), amended

2.—(1) Clause *b* of subsection 1 of section 17*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 109, section 6, is amended by striking out "and" at the end of subclause iii and by adding thereto the following subclauses:

v. any indebtedness that is either,

A. owing to the deceased from a member of his family ordinarily resident in Canada or from a farming corporation solely as the result of a sale by the deceased to a member of his family ordinarily resident in Canada or to a farming corporation of farming assets as defined in subclause i, ii, iii or iv that are used chiefly in farming by the deceased at the time of such sale, or

B. the subject-matter of a disposition that does not come within clause *g* of subsection 1 of section 5, that was effected by the forgiveness, reduction or cancellation by the deceased of

indebtedness described in sub-subclause A, and that was made by the deceased to a farming corporation or to a member of the family of the deceased ordinarily resident in Canada who is, at the death of the deceased, beneficially interested in the farming assets to the sale of which the indebtedness described in sub-subclause A and forgiven, reduced or cancelled relates,

and such indebtedness is "farming assets" only if, in addition to the foregoing requirements of this subclause, the farming assets the sale of which gave rise to such indebtedness are, at the death of the deceased, used in farming,

C. by the person indebted to the deceased, or

D. by the person to whom a disposition described in sub-subclause B was made, or

E. by a person ordinarily resident in Canada who is a member of the family of either of the persons mentioned in sub-subclause C or D, and

vi. the interest of a deceased partner in a partnership that carried on farming on land that is property passing on the death of the deceased, provided that the land on which the partnership carried on farming and the interest of the deceased in the partnership pass to a member of the family of the deceased ordinarily resident in Canada or to a farming corporation.

(2) Clause *d* of subsection 1 of the said section 17*a* is repealed and the following substituted therefor: s. 17*a* (1) (*d*), re-enacted

(*d*) "farming land" means those farming assets that are land,

(i) that passes on the death of the deceased or that is included in a disposition made by him that does not come within clause *g* of subsection 1 of section 5,

(ii) that is owned by a farming corporation that uses the land in farming,

(iii) the sale of which gave rise to indebtedness to the deceased some part of which is a farming asset within the meaning of subclause v of clause *b*, or

(iv) on which farming was carried on by a partnership the interest of the deceased in which is a farming asset within the meaning of subclause vi of clause *b*.

s. 17*a* (8), amended

(3) Subsection 8 of the said section 17*a* is amended by striking out "Where farming land owned by a farming corporation" in the first line and inserting in lieu thereof "Where land that is defined to be farming land by subclause ii, iii or iv of clause *d* of subsection 1" and by striking out "farming corporation" in the eighth line and inserting in lieu thereof "person or persons".

Commencement

3.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 10th day of April, 1974, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day.

Idem

(3) Section 2 shall be deemed to have come into force on the 13th day of April, 1973, and applies to every case in which duty is imposed by *The Succession Duty Act* as a result of the death of a person dying on or after that day.

Short title

4. This Act may be cited as *The Succession Duty Amendment Act, 1974*.

CHAPTER 41

An Act to amend The Assessment Act

Assented to June 24th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 1, is amended by striking out "except in section 38" in the first line. s. 1 (*m*), amended

2.—(1) Section 3 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 2 and 1973, chapter 26, section 1, is further amended by adding thereto the following paragraph: s. 3, amended

17*a*. All machinery and equipment including the foundations on which they rest to the extent and in the proportion used for producing electric power for sale to the general public but not including any other buildings, structures, structural facilities or fixtures used in connection therewith. Machinery for producing electric power

(2) Paragraph 19 of the said section 3, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 2, is repealed and the following substituted therefor: s. 3, par. 19, re-enacted

19. The buildings, plant and machinery under mineral land and the machinery in or on such land only to the extent and in the proportion that such buildings, plant and machinery are used for obtaining minerals from the ground, and all minerals, other than diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, or non-auriferous sand or gravel, that are in, on or under land. Mineral land and minerals

3. Clause *d* of subsection 1 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (1) (*d*), re-enacted

(*d*) Every person carrying on the business of a manufacturer, including the business of a flour miller, maltster, a concentrator or smelter of ore or metals, and the business of obtaining minerals from the ground, for a sum equal to 60 per cent of the assessed value, provided that a manufacturer is not liable to business assessment as a wholesale merchant by reason of his carrying on the business of selling by wholesale the goods of his own manufacture on such land.

s. 13 (2), amended

4. Subsection 2 of section 13 of the said Act is amended by striking out "in the census register" in the ninth and tenth lines and inserting in lieu thereof "concerning whom he is required to obtain any information for the purpose of the census required by section 23".

s. 16 (1), amended

5. Subsection 1 of section 16 of the said Act is amended by striking out "mentioned in section 9" in the fourth line and inserting in lieu thereof "or notice mentioned in section 33 or 38".

s. 17 (3), re-enacted

6. Subsection 3 of section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 4, is repealed and the following substituted therefor:

Apportionment of value of multiple occupancy

(3) The value of an assessment of an entire parcel of real property that is occupied by more than one person to be assessed under this Act shall be apportioned on the assessment roll among the occupants of the entire real property who are to be assessed in that proportion that the fair market rent of the space occupied by each occupant bears to the fair market rent of the entire parcel of real property so that the sum of the values apportioned to each occupant shall be equal to the value of the assessment of the entire parcel of real property.

s. 24 (1), re-enacted

7. Subsection 1 of section 24 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 7, is repealed and the following substituted therefor:

Land to be assessed against owner and tenant

(1) Subject to section 26, land shall be assessed against the owner thereof and against the tenant to the extent of the assessed value of the portion of the land occupied by the tenant.

s. 25, repealed

8. Section 25 of the said Act is repealed.

s. 32 (4), amended

9. Subsection 4 of section 32 of the said Act is amended by striking out "steam" in the fifth line.

10. Subsection 2 of section 33 of the said Act is amended by striking out "July" in the first line and inserting in lieu thereof "October" and by striking out "June" in the fourth line and inserting in lieu thereof "September". s. 33 (2), amended

11. Subsection 3 of section 35 of the said Act is amended by striking out "average value at which lands are assessed in the municipality" in the seventh and eighth lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity". s. 35 (3), amended

12.—(1) Subsection 1 of section 38 of the said Act is repealed and the following substituted therefor: s. 38 (1), re-enacted

(1) Every railway company shall transmit annually on or before the 1st day of July to the assessment commissioner of every municipality or locality in which any part of the roadway or other real property of the company is situated, a statement showing, Railway companies to furnish statements

(*a*) the quantity of land occupied by the roadway, and a description sufficient to identify what land is so occupied;

(*b*) the vacant land owned by the company and not in actual use by the company;

(*c*) the quantity of land occupied by the railway and being a part of a highway, street, road or other public land, but not being a highway, street or road that is merely crossed by the railway; and

(*d*) the real property, other than that referred to in clause *a*, *b* or *c*, in actual use and occupation by the railway.

(2) Clause *a* of subsection 2 of the said section 38 is amended by striking out "actual value thereof according to the average value of land in the locality" in the first and second lines and inserting in lieu thereof "value at which lands are assessed in the immediate vicinity". s. 38 (2) (*a*), amended

13. Subsection 1 of section 40 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 125, section 12, is further amended by striking out "fifteen" in the second line and inserting in lieu thereof "fourteen". s. 40 (1), amended

14. Section 41 of the said Act is amended by striking out "error" in the fourth line and in the sixth line and inserting in lieu thereof in each instance "defect, error, omission or misstatement". s. 41, amended

ss. 42-44, re-enacted

15. Section 42 as amended by the Statutes of Ontario, 1971, chapter 79, section 7 and 1972, chapter 125, section 13, section 43 as amended by the Statutes of Ontario, 1971, chapter 79, section 8 and section 44 of the said Act are repealed and the following substituted therefor:

Assessment omitted from collector's roll

42.—(1) If any land liable to assessment or any business assessment, has been in whole or in part omitted from the collector's roll for the current year or for any part or all of either or both of the next two preceding years, and no taxes have been levied for the assessment omitted, the assessor shall make any assessment necessary to rectify the omission and the clerk of the municipality upon notification thereof shall enter the assessment on the collector's roll and such taxes as would have been payable if the assessment had not been omitted shall be levied and collected.

Interpretation

(2) For the purposes of this section, "omitted" includes the invalidation or setting aside of an assessment by any court or assessment tribunal on any ground except that the land is not liable to taxation.

Supplementary assessments to be added to collector's roll

43. If, after notices of assessment have been given pursuant to section 40 and before the last day of the taxation year for which taxes are levied on the assessment referred to in the notices,

(*a*) an increase in value occurs which results from the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture or any portion thereof that commences to be used for any purpose;

(*b*) land or a portion thereof ceases to be exempt from taxation or to be used for the purpose set forth in subsection 3 of section 27;

(*c*) a person commences to occupy or use land for the purpose of, or in connection with, any business mentioned or described in section 7;

(*d*) a pipeline increases in value because it ceases to be entitled to the reduction provided for in subsection 9 of section 33,

the assessor shall make such further assessment as may be necessary to reflect the change, and the clerk of the municipality upon notification thereof shall enter a supplementary assessment on the collector's roll and the amount

of taxes to be levied thereon shall be the amount of taxes that would have been levied for the portion of such taxation year left remaining after the change occurred if the assessment had been made in the usual way.

Notice and appeal

44.—(1) A person entitled to a notice of assessment pursuant to section 41 or assessed under section 42 or 43 shall be notified and be entitled to appeal as if the assessment had been regularly made and the assessment roll was returned fourteen days after the day of mailing of the notice of assessment.

Change in tax rate

(2) Where a business assessment is made pursuant to section 42 or 43, the real property with respect to which such business assessment is computed is, from the time the land is occupied or used for the purpose of or in connection with any business mentioned in section 7, liable to taxation at the rate levied under subsection 2 of section 302 of *The Municipal Act*, and the clerk of the municipality shall amend the collector's roll accordingly.

R.S.O. 1970, c. 284

Distribution

(3) When the collector's roll is altered pursuant to section 42 or 43 and taxes are levied thereon,

(*a*) the amount thereof that, if the taxes had been levied in the usual way, would have been paid to any body for which the council is required by law to levy rates or raise money shall be set up in the accounts of the municipality as a credit accruing to that body in the same proportion as the levy for that body bears to the total levy;

(*b*) notwithstanding subsection 3 of section 47 of *The Public Schools Act* and subsection 2 of section 8 of *The Secondary Schools and Boards of Education Act*, the amount credited to a body under clause *a* shall be paid over to such body not later than the 31st day of December in the year in which it was levied and shall be used by such body to reduce the levy for the purposes of such body in the next succeeding year, and, if the amount or any portion thereof is not paid over to such body on or before the 31st day of December in the year in which it was levied, the municipality so in default shall, if demanded by such body, pay interest thereon to such body at the rate of 6 per cent per annum from such date until payment is made;

R.S.O. 1970, cc. 385,425

(*c*) the balance remaining after the setting up of all credits as provided in clause *a* shall be taken into the general funds of the municipality;

(*d*) notwithstanding clauses *a* and *b*, where in a secondary school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the secondary school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the secondary school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year;

(*e*) the treasurer shall deliver to each of the bodies entitled to a credit under clause *a*, on or before the 31st day of December in the year in which the taxes were levied, a statement sufficient to enable the body to determine the correctness of the credit.

s. 46, re-enacted

16. Section 46 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 9, is repealed and the following substituted therefor:

Time for yearly assessment and return of roll

46.—(1) Except as provided in section 42 or 43, in every municipality the assessment shall be made annually commencing in the year 1974 and at any time between the 1st day of January and the third Tuesday following the 1st day of December, and the assessment roll of the municipality shall be returned to the clerk not later than the third Tuesday following the 1st day of December in the year in which the assessment is made.

Extension of time for return of roll

(2) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not be or has not been returned to the clerk of the municipality as provided in subsection 1, the Minister may extend the time for the return of the assessment roll for such period as appears necessary.

Notice of extension

(3) Where the Minister extends the time for the return of the assessment roll under subsection 2, he shall cause a notice of the extension, specifying the date to which the time has been extended and the final date for commencing an appeal to the Assessment Review Court, to be published in a

daily or weekly newspaper that in the opinion of the Minister has such circulation within the municipality as to provide reasonable notice to persons affected thereby.

Time for disposing of appeals

(4) The Assessment Review Court shall hear and dispose of all appeals in every municipality as soon as practicable.

s. 52 (1), amended

17.—(1) Subsection 1 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out "undercharged or overcharged" in the fourth line and inserting in lieu thereof "assessed too low or too high".

s. 52 (3), amended

(2) Subsection 3 of the said section 52, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 10, is amended by striking out "fourteen" in the eighth line and in the tenth line and inserting in lieu thereof in each instance "twenty-one".

s. 52 (5), repealed

(3) Subsection 5 of the said section 52 is repealed.

s. 52 (14), amended

(4) Subsection 14 of the said section 52 is amended by striking out "fourteen" in the tenth line and inserting in lieu thereof "twenty-one".

s. 55 (2), re-enacted

18.—(1) Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 15, is repealed and the following substituted therefor:

Notice of appeal

(2) A notice of appeal to the county judge shall be sent by registered mail, within twenty-one days of the mailing of the notice under subsection 14 of section 52, by the party appealing to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14.

s. 55 (7), re-enacted; s. 55 (8, 9), repealed

(2) Subsections 7, 8 and 9 of the said section 55 are repealed and the following substituted therefor:

Hearing of appeals

(7) At the court so held, the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals are heard and disposed of as soon as practicable.

s. 63 (2), amended

19.—(1) Subsection 2 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 125, section 17, is amended by striking out "43 or 44" in the third line and inserting in lieu thereof "or 43".

s. 63 (4), amended

(2) Subsection 4 of the said section 63 is amended by striking out "59" in the first line and inserting in lieu thereof "58".

s. 64 (2), amended

20. Subsection 2 of section 64 of the said Act is amended by striking out "lands in the municipality" in the second and third lines and inserting in lieu thereof "similar lands in the vicinity".

s. 70, amended

21. Section 70 of the said Act is amended by striking out "business" in the third line and by striking out "whether or not the business assessment roll has been finally revised" in the fifth and sixth lines.

ss. 72, 73, 75, repealed

22. Section 72, as amended by the Statutes of Ontario, 1971, chapter 79, section 12, and sections 73 and 75 of the said Act are repealed.

ss. 82, 84, repealed

23. Sections 82 and 84 of the said Act are repealed.

s. 85, amended

24. Section 85 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by inserting after "municipality" in the fifth line "for taxation".

s. 86 re-enacted

25. Section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 19, is repealed and the following substituted therefor:

Roll to be returned in 1974 and 1975

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

(*a*) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974; and

(*b*) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974 or 1975 is inequitable with respect to the assessment of similar real property in the vicinity, the

assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

26. Section 87 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: s. 87, re-enacted

87. No amendment shall be made to the assessment or collector's roll pursuant to clause *a* of section 43 until the cumulative value of the increase since the 23rd day of July, 1971, is at least in the sum of $2,500 at market value or, if the assessment in the vicinity is at less than market value, at an equivalent rate. No amendment to roll until increase at least $2,500

27. Sections 88 and 89 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, are repealed. ss. 88, 89, repealed

28. Section 93 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. s. 93, repealed

29. Section 94 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 2, is repealed. s. 94, repealed

30. Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1973, chapter 148, section 3, is further amended by striking out "1st day of October" in the first and second lines and inserting in lieu thereof "21st day of December". s. 95, amended

31. Section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13 and amended by 1972, chapter 125, section 20 and 1973, chapter 148, section 4, is repealed and the following substituted therefor: s. 96, re-enacted

96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1976. Application

(2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1977. Idem

32.—(1) This Act, except sections 2, 6, 7, 11, 13, 14, 15, 19, 22, 23, 25 and 26, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 6, 7, 11, 13, 14, 15, 19, 25 and 26 come into force on the 1st day of December, 1974. Idem

Idem

(3) Sections 2 and 23 come into force on the 1st day of January, 1975.

Idem

(4) Section 22 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

33. This Act may be cited as *The Assessment Amendment Act, 1974*.

CHAPTER 42

An Act to amend The Municipality of Metropolitan Toronto Act

Assented to June 24th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 168, section 2, is repealed and the following substituted therefor: s. 5, re-enacted

5.—(1) On and after the 1st day of January, 1975, the area municipalities are entitled to the following membership on the Metropolitan Council: Metropolitan Council membership

the Borough of East York	—	2 members
the Borough of Etobicoke	—	5 members
the Borough of North York	—	9 members
the Borough of Scarborough	—	6 members
the City of Toronto	—	12 members
the Borough of York	—	3 members

(2) In accordance with the membership to which an area municipality is entitled under subsection 1, the Metropolitan Council shall include the mayor of each area municipality and, subject to subsection 3, Composition

(*a*) where an area municipality has a board of control,

(i) the controllers, or

(ii) if the number of members, exclusive of the mayor, to which the area municipality is entitled is less than the number of controllers,

the number of controllers equal to the number necessary to complete the membership to which the area municipality is entitled who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes, the next greatest, and so on, as the case requires, or

(iii) if the area municipality is entitled to a greater number of members than the mayor and the other members of the board of control, the controllers and such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership to which the area municipality is entitled; or

(*b*) where the area municipality does not have a board of control, such number of aldermen appointed by the council of the area municipality as is necessary to complete the membership on the Metropolitan Council to which the area municipality is entitled.

Where wards equal to number of aldermen to be appointed

(3) Where the number of wards in an area municipality is equal to the number of aldermen to be appointed by the council of such area municipality,

(*a*) the alderman for each ward; or

(*b*) if there is more than one alderman for each ward, the alderman for each ward who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes in such ward,

shall be members of the Metropolitan Council in lieu of the aldermen to be appointed.

Acclamation or equality of votes

(4) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller, or controllers, or alderman, or aldermen, is, or are, entitled to be a member, or members, of the Metropolitan Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Metropolitan Council.

Election of chairman

(5) At the first meeting of the Metropolitan Council in each year after an election at which a quorum is present, the Metropolitan Council shall organize as a council and

elect as chairman one of the members of the Metropolitan Council, or any other person, to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

Clerk to preside

(6) The clerk of the Metropolitan Corporation shall preside at each such first meeting or, if there is no clerk, the members present shall select a member to preside, and the person so selected may vote as a member.

Adjournment

(7) If, at such first meeting for any reason a chairman is not elected, the clerk or presiding member may adjourn the meeting from time to time and, if a chairman is not elected within one week after such first meeting, the Lieutenant Governor in Council shall appoint the chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this section.

Composition

(8) The Metropolitan Council shall be composed of the chairman and the persons who are members pursuant to this Part.

Resignation

(9) A resignation from the Metropolitan Council or the council of an area municipality by a person who is a member of both councils shall be deemed to be a resignation from both the Metropolitan Council and the council of the area municipality.

2. Section 12 of the said Act is repealed and the following substituted therefor: s. 12, re-enacted

Executive Committee

12.—(1) There shall be an Executive Committee of the Metropolitan Council composed of,

(*a*) the chairman;

(*b*) the mayor of each area municipality;

(*c*) the member of the board of control of the Borough of Etobicoke who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(*d*) the two members of the board of control of the Borough of North York who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes;

(*e*) the member of the board of control of the Borough of Scarborough who, at the municipal election next preceding the day the new Metropolitan Council is organized in any year, received the greatest number of votes; and

(*f*) three alderman members of the Executive Committee of the City of Toronto who are members of the Metropolitan Council appointed by the council of the City of Toronto.

Chairman

(2) The chairman of the Metropolitan Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

Quorum

(3) Six members of the Executive Committee constitute a quorum.

Powers

R.S.O. 1970, c. 284

(4) The Executive Committee has all the powers and duties of a board of control under subsections 1 and 2 of section 208 of *The Municipal Act*, and subsections 3 to 16 and 18 and 19 of that section apply *mutatis mutandis*.

Remuneration of members

(5) Each member of the Executive Committee other than the chairman shall, in addition to his remuneration as a member of the Metropolitan Council, receive such remuneration as may be authorized by the Metropolitan Council.

Certificate of qualification

(6) An alderman entitled to be a member of the Executive Committee under subsection 1 shall not take his seat on the Executive Committee until he has filed with the person presiding at the first meeting a certificate under the hand of the clerk of the City of Toronto certifying that he is a member of the executive committee of the City of Toronto appointed by the council of the city as a member of the Executive Committee.

Vacancy

(7) Where a seat on the Executive Committee becomes vacant by the death or resignation of a member who was a Borough controller, the vacancy shall be filled by the controller from the same Borough who received the next greatest number of votes.

s. 16, enacted

3. The said Act is amended by adding thereto the following section:

Chief administrative officer

16.—(1) The Metropolitan Council may by by-law appoint a chief administrative officer, who,

(*a*) shall have such general control and management of the administration of the government and affairs

of the Metropolitan Corporation and perform such duties as the Metropolitan Council by by-law prescribes;

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(*c*) shall hold office during the pleasure of the Metropolitan Council; and

(*d*) shall receive such salary as the Metropolitan Council by by-law determines.

Application of R.S.O. 1970, c. 284

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 1 of this section.

s. 24 (2) (*b*), amended

4.– (1) Clause *b* of subsection 2 of section 24 of the said Act is amended by striking out "and no such by-law shall become operative until approved by the Minister" in the fifth, sixth and seventh lines.

s. 24 amended

(2) The said section 24, as amended by the Statutes of Ontario, 1971, chapter 80, section 1, is further amended by adding thereto the following subsection:

Election by retired employee to transfer to Metropolitan pension plan

(9*a*) Notwithstanding this or any other general or special Act, where a retired employee of the Metropolitan Corporation or of a local board thereof,

(*a*) was an employee of an area municipality or of a local board thereof and without intervening employment became an employee of the Metropolitan Corporation or of a local board thereof;

(*b*) became a member of the pension plan of the Metropolitan Corporation;

(*c*) retired on or after the 1st day of January, 1970;

(*d*) received or is entitled to receive a pension from or under a pension plan of an area municipality or local board thereof; and

(*e*) was entitled to elect a transfer of a sum of money under subsection 8 prior to his retirement and did not so elect,

such retired employee may, with the approval of the Metropolitan Corporation and the area municipality or local board thereof, in lieu of the pension referred to in clause *d*, elect not later than the 31st day of December, 1974, a transfer of a sum of money to the pension plan of the Metropolitan Corporation from the pension plan of the area municipality or local board thereof, equal to the present value, calculated as of the date of the transfer of such sum of money on the

basis of generally accepted actuarial methods, of the pension, including all benefits pertaining thereto to which such retired employee is entitled under the pension plan of the area municipality or of a local board thereof and where such retired employee has died the person receiving a pension in respect of the retired employee shall be deemed to be the retired employee for the purposes of this subsection.

s. 35*a*, enacted

5. The said Act is further amended by adding thereto the following section:

Surcharge on water rates

35*a*.—(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof.

Application of s. 49

(2) The provisions of section 49 apply to this section.

s. 96, re-enacted

6. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 2, is repealed and the following substituted therefor:

Stopping-up highways

96.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Metropolitan Corporation by registered mail.

Agreement

(2) If the Metropolitan Council objects to such stopping-up, it shall so notify the council of the area municipality by registered mail within twenty-one days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped-up except by agreement between the area municipality and the Metropolitan Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Approval of judge not required
R.S.O. 1970, c. 284

(3) In the case of a township in the Metropolitan Area, it is not necessary to obtain the approval of the judge of the county court to such stopping up under section 443 of *The Municipal Act*.

Approval required to intersect metropolitan road

(4) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the metropolitan road system, without the prior written approval of the Metropolitan Corporation.

7. The said Act is further amended by adding thereto the following section: s. 148*a*, enacted

148*a*.—(1) Notwithstanding section 148, upon the application of the council of an area municipality that has the status of a township municipality, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs may, by order, erect the area municipality into a city municipality and may direct the name the newly erected municipality shall bear and the date when the erection shall take effect and may provide for any matters that he considers necessary for the establishment and carrying on of the newly erected municipality, including the composition of its council. Treasurer may erect township area municipality into city municipality

(2) Where an order is made under subsection 1, sections 17, 19 and 22 of *The Municipal Act* apply, *mutatis mutandis*, and the provisions of any special Act relating to the former township municipality apply to the newly erected municipality. Application of R.S.O. 1970, c. 284, ss. 17, 19, 22

8.—(1) Subsection 1 of section 183 of the said Act is amended by striking out "such" in the second line and inserting in lieu thereof "a" and by striking out "as the Minister may approve" in the fourth and fifth lines. s. 183 (1), amended

(2) Subsection 6 of the said section 183 is amended by striking out "Subject to the approval of the Minister" in the first line. s. 183 (6), amended

9. Subsection 1 of section 194 of the said Act is amended by striking out "subsection 2" in the fifth line and inserting in lieu thereof "subsection 3". s. 194 (1), amended

10. The said Act is further amended by adding thereto the following section: s. 198*a*, enacted

198*a*.—(1) The Metropolitan Council and the council of any area municipality may, by by-law approved by the Minister of Housing, adopt a policy statement related to housing, containing specific objectives, production targets and financial arrangements. Adoption of policy statement related to housing

(2) Where a policy statement referred to in subsection 1 has been adopted by the Metropolitan Council and approved by the Minister of Housing, every housing policy statement that has been adopted by the council of an area municipality shall be amended forthwith to conform therewith and no housing policy statement of an area municipality shall thereafter be approved that does not conform with the housing policy statement of the Metropolitan Council and no By-laws, etc., to conform with housing policy statement

by-law shall be passed by the Metropolitan Council or by the council of an area municipality that does not conform with the housing policy statement of the Metropolitan Council.

ss. 199-203, re-enacted

11. Sections 199, 200, 201, 202 and 203 of the said Act are repealed and the following substituted therefor:

Metropolitan Toronto Planning Area

R.S.O. 1970, c. 349

199.—(1) The Metropolitan Toronto Planning Area is continued as a joint planning area under *The Planning Act*.

Designated municipality

(2) The Metropolitan Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of The Metropolitan Toronto Planning Area.

Planning board dissolved

(3) The planning board for The Metropolitan Toronto Planning Area is hereby dissolved.

Area municipalities subsidiary planning areas

(4) Subject to *The Planning Act*, each area municipality is a subsidiary planning area within The Metropolitan Toronto Planning Area.

Proviso

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Metropolitan Area.

Subsidiary plans

(6) When the Minister of Housing has approved an official plan adopted by the Metropolitan Council,

(*a*) every official plan and every by-law passed under section 35 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(*b*) no official plan of a subsidiary planning area shall be adopted that does not conform therewith.

Planning duties of Metropolitan Council

200.—(1) The Metropolitan Council shall investigate and survey the physical, social and economic conditions in relation to the development of The Metropolitan Toronto Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in The Metropolitan Toronto Planning Area, and without limiting the generality of the foregoing it shall,

(*a*) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area;

(*b*) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of The Metropolitan Toronto Planning Area in determining the solution of problems or matters affecting the development of The Metropolitan Toronto Planning Area; and

(*c*) consult with any local board having jurisdiction within The Metropolitan Toronto Planning Area.

Official plan

(2) The Metropolitan Council shall prepare, adopt and forward to the Minister of Housing for approval an official plan for The Metropolitan Toronto Planning Area.

Planning staff

(3) The Metropolitan Council may appoint such planning committees and staff as it considers necessary.

Application of R.S.O. 1970, c. 349

(4) The Metropolitan Corporation shall be deemed to be a municipality and the Metropolitan Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 33, 43 and 44 of *The Planning Act*.

Agreements re plans of subdivision

(5) The Metropolitan Corporation may enter into agreements with area municipalities or persons relating to conditions of approval of plans of subdivision and shall be deemed to have always had authority to enter into such agreements.

Agreements re special studies

(6) The Metropolitan Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to The Metropolitan Toronto Planning Area or any part thereof.

Application of R.S.O. 1970, c. 349

201. Except as provided in this Part, the provisions of *The Planning Act* apply.

Planning board assets, etc., vested in Metropolitan Corporation

202. All the assets and liabilities of the planning board for The Metropolitan Toronto Planning Area are assets and liabilities of the Metropolitan Corporation and the Metropolitan Corporation, for all purposes, stands in the place and stead of the planning board for The Metropolitan Toronto Planning Area.

Sick leave credits, holidays and application of O.M.E.R.S.

203. Where a person who was employed by the planning board for The Metropolitan Toronto Planning Area immediately prior to the 1st day of January, 1975, is employed by the Metropolitan Corporation without intervening employment,

(*a*) employment with the planning board shall be deemed to have been employment with the Metropolitan Corporation for the purposes of sick leave credits and gratuities and holidays; and

(*b*) the employee, if a member of the pension plan of the Metropolitan Corporation, shall be deemed not to be a person who enters the employ of an employer within the meaning of clause *a* of subsection 1 of section 8 of *The Ontario Municipal Employees Retirement System Act*.

R.S.O. 1970, c. 324

Offer of employment

203*a*.—(1) The Metropolitan Corporation shall offer to employ every person who, on the 1st day of June, 1974, is employed by the planning board for The Metropolitan Toronto Planning Area, and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(2) Any person who accepts employment under subsection 1 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of June, 1974.

Termination of employment

(3) Nothing in this section prevents the Metropolitan Corporation from terminating the employment of an employee for cause.

s. 208 (4), amended

12. Subsection 4 of section 208 of the said Act is amended by striking out "are not members of the Metropolitan Council or of the council of an area municipality, and" in the second, third and fourth lines.

s. 212, re-enacted

13. Section 212 of the said Act is repealed and the following substituted therefor:

Interpretation

212.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

Investment of moneys not immediately required

(2) Where the Metropolitan Corporation or an area municipality has moneys not required immediately by the Metropolitan Corporation or the area municipality, such moneys may be,

(*a*) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any

trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970, c. B-1

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; R.S.O. 1970, c. 118 or

(*b*) advanced to the capital account of the Metropolitan Corporation or the area municipality for the purpose of interim financing of capital undertakings,

provided that the moneys invested or advanced are repayable by the day on which they are required by the Metropolitan Corporation or the area municipality, and the investments are in other respects reasonable and proper.

14.—(1) The Metropolitan Council may pass by-laws for establishing any part or parts of Yonge Street in the City of Toronto between the south limit of Bloor Street and the north limit of King Street solely or principally as a pedestrian promenade for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the Council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part of Yonge Street and the obstruction thereof by such persons and in such manner and to such extent as the Metropolitan Council may consider desirable. Pedestrian promenades, Yonge St.

(2) The council of The Corporation of the City of Toronto may pass by-laws for establishing all of Trinity Square and the parts of those parts of those streets under the jurisdiction of the said council intersecting that part of Yonge Street between the south limit of Bloor Street and the north limit of King Street within 200 feet of Yonge Street solely or principally as pedestrian promenades for such period or periods between the 17th day of June and the 3rd day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable. Idem, Trinity Square, etc.

Contribution by City toward costs

(3) The Corporation of the City of Toronto may contribute toward the cost of the establishment and maintenance of any pedestrian promenade established by the Metropolitan Council under the provisions of subsection 1.

Right to damages by reason of creation of promenade

(4) Notwithstanding the provisions of any general or special Act, no person shall be entitled to recover any damages or compensation from the Metropolitan Corporation or The Corporation of the City of Toronto for loss of business or for loss of access to or from Yonge Street or any other street arising from the exercise by the Metropolitan Corporation and The Corporation of the City of Toronto of their powers under this section.

Application of R.S.O. 1970, c. 284, s. 466

(5) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 2 or 6.

By-laws

(6) The Metropolitan Council with respect to any pedestrian promenade established under subsection 1 and the council of The Corporation of the City of Toronto with respect to any pedestrian promenade established under subsection 2 may pass by-laws,

(*a*) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;

(*b*) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;

(*c*) prohibiting or regulating and licensing any display, exhibition or advertising thereon; and

(*d*) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Metropolitan Corporation or of The Corporation of the City of Toronto as may be named in the by-law and for prescribing the fees for such licences.

Effect on licences issued by Licensing Commission

(7) Where a by-law has been passed by the Metropolitan Council or the council of The Corporation of the City of Toronto prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 6, any licence issued by the Metropolitan Licensing Commission respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

15.—(1) This Act, except sections 2, 6 and 11, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 2, 6 and 11 come into force on the 1st day of January, 1975. Idem

16. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974*. Short title

CHAPTER 43

An Act to amend The Beef Cattle Marketing Act

Assented to June 24th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 5 (1) (*b*), re-enacted

(*b*) subject to subsection 4, fixing the amount of licence fees,

(i) up to but not exceeding 45 cents for each head of cattle that weighs 500 pounds or more live weight, and

(ii) in the case of a head of cattle that weighs less than 500 pounds live weight, at an amount that is 10 cents a head lower than the amount fixed under subclause i.

(2) The said section 5 is amended by adding thereto the following subsection: s. 5, amended

(4) No regulation increasing licence fees shall be made under clause *b* of subsection 1 where the regulation if made would result, on its coming into force, in a total increase, over the immediately preceding twelve month period, in excess of 10 cents for each head of cattle. Limitation on increase of licence fees

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

3. This Act may be cited as *The Beef Cattle Marketing Amendment Act, 1974*. Short title

CHAPTER 44

An Act to amend The Regional Municipality of Waterloo Act, 1972

Assented to June 24th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 8 (1) (*d*), re-enacted

1. Clause *d* of subsection 1 of section 8 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor:

(*d*) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Regional Municipality of Waterloo Amendment Act, 1974*.

CHAPTER 45

An Act to amend The City of The Lakehead Act, 1968-69

Assented to June 24th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The long title to *The City of The Lakehead Act, 1968-69*, being chapter 56, is repealed and the following substituted therefor: Long title re-enacted

"An Act to incorporate the City of Thunder Bay"

2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 36, section 1, is further amended by adding thereto the following subsections: s. 3, amended

(5*a*) Notwithstanding subsection 5, the wards described therein shall be continued for the election to be held in the year 1974, and the council of the City shall, in the year 1975, apply to the Ontario Municipal Board for confirmation of the said ward system or for the establishment in the City of such other system for the election of persons to the council as the council considers suitable. Wards continued for 1974 election

(5*b*) The Ontario Municipal Board may, notwithstanding *The Municipal Act*, establish such system for the election of persons to the council of the City as the Municipal Board in its discretion considers suitable. Powers of O.M.B. R.S.O. 1970, c. 284

3. Subsections 2 and 3 of section 4 of the said Act are repealed and the following substituted therefor: s. 4 (2), re-enacted; s. 4 (3), repealed

(2) Twelve aldermen shall be elected by a general vote of the electors of the City and the electors in the year 1974 shall vote to elect, Election of aldermen

(*a*) five aldermen whose principal residences are, at the commencement of the nomination period, in Fort William Ward;

(*b*) five aldermen whose principal residences are, at the commencement of the nomination period, in Port Arthur Ward;

(*c*) one alderman whose principal place of residence is, at the commencement of the nomination period, in McIntyre Ward; and

(*d*) one alderman whose principal place of residence is, at the commencement of the nomination period, in Neebing Ward.

s. 7, amended

4. Section 7 of the said Act is amended by adding thereto the following subsection:

Fort William Board of Park Management dissolved

(1*a*) The Board of Park Management of the City of Fort William is hereby deemed to have been dissolved on the 1st day of January, 1970, and all the assets and liabilities of such board vested on that date in the City without compensation.

s. 14 (1), amended

5.—(1) Subsection 1 of section 14 of the said Act is amended by striking out "and 1973" in the second line and inserting in lieu thereof "1973, 1974, 1975, 1976 and 1977".

s. 14 (2), amended

(2) Subsection 2 of the said section 14 is amended by striking out "and 1973" in the second line and inserting in lieu thereof "1973, 1974, 1975, 1976 and 1977".

s. 24*a*, enacted

6. The said Act is amended by adding thereto the following section:

Exhibition property liable to taxation when occupied by tenant

24*a*. Notwithstanding the provisions of any general or special Act, the property of the Canadian Lakehead Exhibition Society, Fort William-Port Arthur, situate in the City and bounded on the north by Isabel Street, on the east by the Fort William Road, on the south by the McIntyre River and on the west by Memorial Avenue, shall, when in occupation by a tenant, be liable to municipal taxation, including business taxes.

s. 27, re-enacted

7. Section 27 of the said Act is repealed and the following substituted therefor:

Short title

27. This Act may be cited as *The City of Thunder Bay Act, 1968-69*.

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The City of The Lakehead Amendment Act, 1974*. Short title

CHAPTER 46

An Act to amend The Agricultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Agricultural Societies Act*, being chapter 15 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (*b*), repealed

(2) The said section 1 is amended by adding thereto the following clause: s. 1, amended

(*da*) "Ministry" means the Ministry of Agriculture and Food.

(3) Clause *f* of the said section 1 is repealed and the following substituted therefor: s. 1 (*f*), re-enacted

(*f*) "Superintendent" means the Director of the Agricultural and Horticultural Societies Branch of the Ministry.

2. Paragraphs 1, 3, 6 and 10 of section 4 of the said Act are repealed and the following substituted therefor: s. 4, pars. 1, 3, 6, 10, re-enacted

1. A declaration in the form prescribed by the Minister shall be signed by the persons who desire to organize a society, but such persons must be of the age of eighteen years or over and must reside within twenty-five miles of the place designated in the declaration as the headquarters of such society. declaration

. . . . .

3. Every person who signs the declaration shall pay to the person having charge thereof the sum of not less than $2 at the time of signing the fees payable by signatories

declaration and all such sums of money become the property of the society upon its organization, but, where no society is organized, such sums shall be repaid to the persons entitled thereto.

. . . . .

quorum

6. At the organization meeting, and at every annual and special meeting of a society, fifteen members shall form a quorum but, in a provisional judicial district or provisional county, ten members shall form a quorum.

. . . . .

transmission of report of organization meeting

10. A report of the organization meeting certified by the president, the secretary and the organizer, containing a statement of the members and a list of the officers elected and appointed, shall be sent to the Superintendent within one month after the holding of the meeting.

s. 6 (3), re-enacted

3. Subsection 3 of section 6 of the said Act is repealed and the following substituted therefor:

Membership fee

(3) In every society there shall be an annual membership fee of not less than $2.

s. 8 (1)(*e*), re-enacted

4. Clause *e* of subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

(*e*) encouraging and promoting reforestation, rural beautification and exterior farm and homestead improvements.

s. 11 (1), re-enacted

5.—(1) Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor:

Statement to be sent to Superintendent

(1) A statement of officers and members and a copy of the report and financial statement in the form prescribed by the Minister and certified by the president, secretary and treasurer, or secretary-treasurer, and auditors to be true copies shall be forwarded to the Superintendent within ninety days after the holding of the annual meeting.

s. 11 (3), re-enacted

(2) Subsection 3 of the said section 11 is repealed and the following substituted therefor:

Statement as to competitions, etc.

(3) Where a society exhibits a display of a farm product that is produced on a commercial basis or holds a field-crop or other competition or sponsors an amateur

program, using local talent to provide entertainment, and such display, competition, or amateur program is approved by the Superintendent, the officers of the society shall within ninety days thereafter forward to the Superintendent on a form supplied by the Ministry a statement showing the particulars of the display, competition or amateur program including, where applicable, the number of entries and the expenditures, including prizes awarded, in connection therewith.

6. Subsection 7 of section 16 of the said Act is repealed and the following substituted therefor: s. 16 (7), re-enacted

(7) No officer, director or member of a society, except the secretary, treasurer, secretary-treasurer or manager, shall receive any remuneration for carrying out his duties as officer, director or member, but travelling and living expenses may be allowed to any officer, director or member while engaged in duties on behalf of the society, and the board may fix such remuneration and travelling and living expenses, which shall be payable out of the funds of the society. Remuneration and expenses

7. Subsection 2 of section 19 of the said Act is repealed and the following substituted therefor: s. 19 (2), re-enacted

(2) The officers of a society may by their rules and regulations prohibit and prevent theatrical, circus or acrobatic performances, exhibitions or shows and may also regulate or prevent the huckstering or trafficking in fruit, goods, wares or merchandise on the exhibition grounds or within three hundred yards thereof on the day of an exhibition, and any person who, after notice of such rules and regulations, contravenes any provisions thereof is liable to be removed by an officer of the society, a person appointed under subsection 1 of section 30, or a police officer, and is liable to the penalties provided in this Act. Preventing certain performances, huckstering, etc.

8. Paragraphs 2 and 3 of subsection 1 of section 24 of the said Act are repealed and the following substituted therefor: s. 24 (1), pars. 2, 3, re-enacted

2. Where a society complies with subsection 3 of section 11, and its statement is satisfactory to the Superintendent, it shall receive a grant,

i. where it has sponsored a farm or homestead improvement competition, equal to one-half of the sum expended by the society as shown by the statement of its expenditures for the competition, but in no case shall the grant be more than $300,

ii. where it has sponsored a special event with light horses, equal to one-third of the sum expended by the society as shown by the statement of its expenditures for the event, but in no case shall the grant be more than $500,

iii. where it has sponsored an amateur program, using local talent to provide entertainment, equal to one-third of the sum expended by the society as shown by the statement of its expenditures for the amateur program, but in no case shall the grant be more than $500, and

iv. where it has sponsored a display or competition not referred to in sub-paragraph i, ii or iii, equal to one-half of the sum expended by the society as shown by the statement of its expenditures for the display or competition, but in no case shall the grant be more than $200 for a display or more than $75 for a competition.

3. Where a society complies with subsections 1 and 2 of section 11 and its statement is satisfactory to the Superintendent, it shall receive a grant equal to one-third of the average amount expended by the society during the three preceding years for agricultural purposes, as shown by the statements forwarded to the Superintendent, but,

i. societies in a provisional judicial district or provisional county shall receive their grants on the basis of double the amount of other societies,

ii. no grant shall be paid under this paragraph respecting an expenditure qualifying for a grant under paragraph 2, and

iii. no society shall in any year receive a grant in excess of $1,500.

s. 27 (1), re-enacted

9. Subsection 1 of section 27 of the said Act is repealed and the following substituted therefor:

Grants from municipal councils

(1) Any municipal council may grant or loan money or grant land in aid of any agricultural society formed within the limits of the municipality, or partly within

the limits of such municipality and partly within the limits of other municipalities, or wholly within the limits of an adjoining municipality, when such society has made the returns required by this Act.

10. Section 30 of the said Act is repealed and the following substituted therefor: s. 30, re-enacted

30.—(1) The board of directors of any society holding a fair or exhibition may appoint for the duration of the fair or exhibition as many persons as may be required to carry out the duties referred to in subsection 2. Appointments

(2) Every person appointed under subsection 1 shall be paid by the society and it is his duty to protect the property of the society within the exhibition grounds and to eject all persons who may be improperly within the grounds or behave in a disorderly manner or violate any of the rules or regulations of the society. Duties of persons appointed

(3) No person shall wilfully hinder or obstruct an officer or servant of the society or a person appointed under subsection 1 in the execution of his duties. Obstruction of officer, etc.

11. Section 33 of the said Act is repealed and the following substituted therefor: s. 33, re-enacted

33. Every person who contravenes any of the provisions of this Act or the regulations or any rule or regulation of a society under subsection 2 of section 19 or who gains admission to the grounds contrary to the rules of the society is guilty of an offence, and on summary conviction is liable to a fine of not more than $100. Offence

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Agricultural Societies Amendment Act, 1974*. Short title

CHAPTER 47

The Health Disciplines Act, 1974

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

GENERAL

Interpretation

1.—(1) In this Act,

(*a*) "Board" means the Health Disciplines Board established under section 6;

(*b*) "health discipline" means a health discipline to which a Part of this Act applies;

(*c*) "Minister" means the Minister of Health;

(*d*) "regulations" means the regulations made under this Act.

Idem

(2) In this Part,

(*a*) "College" means the corporate body of a health discipline or group of health disciplines as established for that discipline or group in a Part of this Act;

(*b*) "complaints committee" means the complaints committee of a health discipline or group of health disciplines as established for that discipline or group in a Part of this Act;

(*c*) "Council" means the governing body of a health discipline or group of health disciplines as established for that discipline or group in a Part of this Act;

(*d*) "discipline committee" means the discipline committee of a health discipline or group of health disciplines as established for that discipline or group in a Part of this Act;

(*e*) "registration" means,

(i) a licence to practise a health discipline or group of health disciplines issued under a Part of this Act requiring a licence to practise, or

(ii) a certificate respecting the practising of a health discipline or group of health disciplines issued under a Part of this Act,

the issuance of which is required to be entered on the register of the appropriate College, and "registered" has a corresponding meaning.

References to hearings 1971, c. 47

(3) Nothing in this Act shall be construed to require a hearing to be held within the meaning of *The Statutory Powers Procedure Act, 1971* unless the holding of a hearing is specifically referred to.

Administration of Act

2. The Minister is responsible for the administration of this Act.

Duties of Minister

3.—(1) It is the duty of the Minister to ensure that the activities of health disciplines are effectively regulated and co-ordinated in the public interest, to have appropriate standards of practice developed and ensure that these are maintained and to ensure that the rights of individuals to the services provided by health disciplines of their choice are maintained and to these ends to,

(*a*) inquire into or direct the appropriate Council or Councils to inquire into the state of the practice of one or more health disciplines in any locality or institution;

(*b*) require Councils to provide such reports and information as the Minister requires for his purposes including information from the registers of the Colleges;

(*c*) review proposals by a Council for changes in legislation or regulations of concern to that Council;

(*d*) consider the by-laws of Councils and provide advice and guidance to Councils with respect to the proposed implementation or revision of such by-laws;

(*e*) request a Council to make, amend or revoke regulations respecting any of the matters specified in its applicable Part; and

(*f*) review legislation respecting the provision of health services by health disciplines.

Regulations by Lieutenant Governor in Council

(2) Where the Minister requests in writing that a Council make, amend or revoke a regulation under clause *e* of subsection 1 and the Council has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

Appointment of advisory committees

(3) The Minister may appoint such advisory committees as he considers desirable and appropriate to assist him in carrying out his duties under this Act.

Distribution of proposed changes in legislation or regulations

4. Where the Minister or a Council proposes changes to be made in legislation or regulations respecting a health discipline, the Minister shall distribute the proposals to all health disciplines and all health disciplines are entitled to make submissions to the Minister with respect to such proposals.

Payments to Council

5. Where a College has incurred expenses in complying with the directions of the Minister under this Part, the Minister may, out of moneys appropriated therefor by the Legislature, make appropriate payments to reimburse the College in whole or in part for the expenses incurred.

Health Disciplines Board

6.—(1) There is hereby established a body to be known as the Health Disciplines Board.

Composition

(2) The Board shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, and the Lieutenant Governor in Council shall designate one of the members of the Board to be chairman and one to be vice-chairman.

Disqualification

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who is or has been a member of a Council or who is or has been registered under this Act or any other Act governing a health practice shall be a member of the Board.

Term

(4) The members of the first Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

Vacancies

(5) Every vacancy on the Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(6) A majority of the members of the Board constitutes a quorum.

Remuneration

(7) The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Seal

(8) The Board may prescribe and adopt a seal.

Board employees
R.S.O. 1970, c. 386

(9) Such employees as are necessary to carry out the duties of the Board under this Act shall be employed under *The Public Service Act*.

Duties of Board

7.—(1) The Board shall,

(*a*) conduct such hearings and perform such duties as are assigned to it by or under this or any other Act; and

(*b*) submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Expert advice

(2) The Board may obtain expert or professional advice in connection with a hearing or complaint but the adviser shall be a person independent of,

(*a*) the parties in the case of a hearing; or

(*b*) the complainant and the member complained against in the case of a complaint,

and in the case of a hearing, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice.

Complaints

8.—(1) Where a complaints committee has made a disposition of a complaint respecting a member of its College in accordance with the provisions of the applicable Part of this

Act governing that College, the Registrar of the College shall send to the member and to the complainant by prepaid first class mail, a copy of the written decision made by the complaints committee and reasons therefor, if any, together with notice advising the complainant of his right of review under subsection 2.

Review of complaints

(2) A complainant or the member complained against who is not satisfied with the decision made by a complaints committee disposing of a complaint, except a decision to refer a matter to the discipline committee, may within twenty days of receipt of the written decision request the Board to review the decision and the Board shall require the Registrar of the College to transmit to the Board within fifteen days of the Board's request, a record of the investigation and all such documents and things upon which the decision was based and the Board shall review the decision after giving the complainant an opportunity to state his complaint and the member an opportunity to state his answer thereto, either personally, by his agent or in writing.

Investigation of complaint by Board

9. Where a complaint respecting a member of a College has not been disposed of by the complaints committee of the College within sixty days after the complaint is made, the Board upon application therefor may require the complaints committee to make an investigation and, where the investigation of the complaint has not been undertaken, completed and reported on to the Board by the committee within sixty days after the Board's request, the Board shall undertake such investigation and possesses all the powers of investigation that the complaints committee or the Registrar has in the applicable Part of this Act.

Powers of Board after review or investigation of complaint

10.—(1) The Board may after review or investigation of a complaint under section 8 or 9 refer the complaint to the complaints committee and the Board may,

(*a*) confirm the decision, if any, made by the complaints committee;

(*b*) make such recommendations to the complaints committee as the Board considers appropriate; or

(*c*) require the complaints committee to take such action or proceedings as the committee is authorized to undertake under the applicable Part of this Act.

Board quorum

(2) Three members of the Board constitute a quorum for purposes of investigation or review of a complaint under section 8 or 9 or a hearing under section 11.

Decision and reasons

(3) The Board shall give its decision and reasons therefor in writing to the complainant and the member complained against.

Notice of proposal to refuse registration

11.—(1) Where a registration committee proposes to refuse to grant registration to an applicant, or proposes to attach terms, conditions or limitations to a registration, the Registrar on behalf of the committee shall serve notice of the proposal of the committee, together with written reasons therefor, on the applicant or registrant and a copy thereof to the Board.

Exemptions

(2) Subsection 1 does not apply to a refusal to grant registration to a person who was previously registered and whose registration was suspended or revoked as a result of a decision of a discipline committee.

Notice requiring hearing or review

(3) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board or to a review by the Board of his application and documentary evidence in support thereof without oral evidence, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Board requiring a hearing or such review by the Board, as he specifies.

Powers of registration committee where hearing or review

(4) Where an applicant or registrant does not require a hearing or review by the Board in accordance with subsection 3, the Board shall so notify the registration committee making the proposal and the committee may carry out the proposal stated in its notice under subsection 1.

Findings of fact

(5) The findings of fact of the Board pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Procedures on hearings

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 12 apply *mutatis mutandis* to proceedings before the Board under this section.

Powers of Board upon hearing or review

(7) The Board shall, after the hearing or review,

(*a*) confirm the proposed decision of the registration committee; or

(*b*) require the registration committee to permit the applicant to take qualifying examinations or additional training as a condition for registration, or bot, as specified by the registration committee; or

(*c*) require the registration committee to direct the Registrar to register the applicant on any appro-

priate register subject to such conditions as the Board considers appropriate in cases where the Board finds that the applicant meets the requirements for registration and that the committee has exercised its powers improperly; or

(*d*) refer the matter back to the registration committee for further consideration and the Board may make such recommendations as it considers appropriate in the circumstances.

Parties

(8) The registration committee and the applicant or registrant are parties to proceedings before the Board under this section.

Appeals

(9) Any party to proceedings before the Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 13 apply *mutatis mutandis* as if it were an appeal from a decision or order of a discipline committee.

Parties to discipline proceedings

12.—(1) In proceedings before the discipline committee of a College, the College and the member of the College whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A member whose conduct is being investigated in proceedings before a discipline committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) Members of a discipline committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the discipline committee or at a previous hearing of the committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

In camera 1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the discipline committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

(*a*) matters involving public security may be disclosed; or

(*b*) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before a discipline committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost.

Evidence 1971, c. 47

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971*, nothing is admissible in evidence before a discipline committee that would be inadmissible in a court in a civil case and the findings of a discipline committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of a discipline committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of a discipline committee shall, upon the request of the person who produced them, be released to him by the committee within a reasonable time after the matter in issue has been finally determined.

Appeal to court

13.—(1) Any party to proceedings before a discipline committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Powers of court on appeal

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee or the College to take any action which the committee or the College may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee, or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of notice

14.—(1) Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence,

accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Administering oaths

(2) Every member of the Health Disciplines Board and of the discipline committee of a College has power to administer oaths and affirmations for the purposes of any of its proceedings.

Registrar's certificate as evidence

15. Any statement containing information from the records required to be kept by a Registrar under any Part of this Act, purporting to be certified by the Registrar under the seal of the College is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity of Board, College, Councils and committees

16. No action or other proceeding for damages shall be instituted against the Board, a College, a Council, a committee or any member of the Board, Council or committee, or any officers, servants, agents or appointees of the Board, or a College for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Limitation for malpractice actions

17. No duly registered member of a College is liable to any action arising out of negligence or malpractice in respect of professional services requested or rendered unless such action is commenced within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which he alleges negligence or malpractice.

Falsification of certificates

18.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false certificate or document with respect to registration is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

Offences for false representation

(2) Any person who wilfully procures or attempts to procure himself to be registered under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 and every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

Onus of proof respecting registration

19. Where registration under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was so registered under this Act rests upon the accused.

PART II

DENTISTRY

Interpretation

20.—(1) In this Part,

(*a*) "by-laws" means the by-laws made under this Part;

(*b*) "College" means the Royal College of Dental Surgeons of Ontario;

(*c*) "Council" means the Council of the College;

(*d*) "licence" means a licence for the practice of dentistry issued under this Part;

(*e*) "member" means a member of the College;

(*f*) "practice of dentistry" means any professional service usually performed by a dentist or a dental surgeon, and includes,

(i) the diagnosis or treatment of, and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, in or from any human tooth, jaw or adjacent structure or tissue or any injury thereto,

(ii) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in subclause i, to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue or in the treatment of any condition thereof, or replacing, improving or supplementing any human tooth, associated structure or tissue, and

(iii) the taking or making, or the giving of advice or assistance or the providing of facilities for

the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge, appliance or thing;

(*g*) "Registrar" means the Registrar of the College;

(*h*) "regulations" means the regulations made under this Part.

(2) The practice of dentistry is a health discipline to which this Part applies. Health discipline

21.—(1) The Royal College of Dental Surgeons of Ontario is continued as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Part. Royal College of Dental Surgeons continued

(2) The objects of the College are, Objects

(*a*) to regulate the practice of dentistry and to govern its members in accordance with this Act, the regulations and the by-laws;

(*b*) to establish, maintain and develop standards of knowledge and skill among its members;

(*c*) to establish, maintain and develop standards of qualification and practice for the practice of dentistry;

(*d*) to establish, maintain and develop standards of professional ethics among its members;

(*e*) to administer this Part and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act,

in order that the public interest may be served and protected.

22.—(1) Every person licensed by the College is a member of the College subject to any term, condition or limitation to which the licence is subject. Membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction Resignation of membership

of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Cancellation for default of fees

(3) The Registrar may cancel a licence for non-payment of any fee prescribed by the regulations after giving the member at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Council of College

23.—(1) The Board of Directors of the College is continued as the Council of the College, which shall be the governing body and board of directors of the College and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(*a*) not fewer than nine and not more than twelve persons who are members elected in the number and manner determined by the regulations;

(*b*) not fewer than three and not more than five persons who are not members of a Council under this Act or registered or licensed under this Act or any other Act governing a health practice and are appointed by the Lieutenant Governor in Council; and

(*c*) one person who is appointed by the faculty of dentistry of each university in Ontario that conducts a course in dentistry and is authorized to grant degrees in dentistry, such person to be appointed from among the members of the faculty.

Remuneration of lay members

(3) The persons appointed under clause *b* of subsection 2 shall be paid, out of moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Expiration of appointment

(4) The appointment of every person appointed under subsection 2 expires at the first meeting of the Council following the election of members to Council held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

Qualifications to vote

(5) Every member who,

(*a*) practises in Ontario; and

(*b*) is not in default of payment of the annual fee prescribed by the regulations,

is qualified to vote at an election of members of the Council.

President and Vice-President

(6) The Council shall elect a President and Vice-President from among its members.

Registrar and staff

(7) The Council shall appoint during pleasure a Registrar and such other officers and servants as may from time to time be necessary in the opinion of the Council to perform the work of the College.

Quorum

(8) A majority of the members of the Council constitute a quorum.

Continuation of Council members under R.S.O. 1970, c. 108

(9) The members of the Council who were elected under *The Dentistry Act*, being chapter 108 of the Revised Statutes of Ontario, 1970 and were in office immediately before this Part comes into force shall continue in office and shall be deemed to be the members referred to in clause *a* of subsection 2 until the expiration of the term for which they were elected or until the office otherwise becomes vacant.

Powers of Minister

24. In addition to his powers and duties under Part I, the Minister may,

(*a*) review the activities of the Council;

(*b*) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(*c*) advise the Council with respect to the implementation of this Part and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

25. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(*a*) fixing the number of members to be elected to the Council and establishing electoral districts and regional representation for elections;

(*b*) respecting and governing the qualifications, nomination, election and term of office of the members to be elected, and controverted elections;

(*c*) prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

(*d*) respecting any matter ancillary to the provisions of this Part with regard to the issuing, suspension and revocation of licences;

(*e*) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;

(*f*) providing for the maintenance and inspection of registers of persons permitted to practise;

(*g*) governing standards of practice for the profession;

(*h*) prescribing the records that shall be kept respecting patients;

(*i*) requiring and providing for the inspection and examination of the office, records and equipment of members in connection with their practice;

(*j*) regulating the compounding, dispensing and sale of drugs by members and the containers and labelling therefor, prescribing the records that shall be kept and requiring reports to the Minister respecting such compounding, dispensing and sale;

(*k*) defining classes of specialists in the various branches of dentistry, prescribing the qualifications required, providing for the suspension or revocation of any such designation, and for the regulation and prohibition of the use of terms, titles or designations by members indicating specialization in any branch of dentistry;

(*l*) authorizing persons other than members to perform specified acts in the practice of dentistry under the supervision or direction of a member;

(*m*) prohibiting the practice of dentistry where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

(*n*) defining professional misconduct for the purposes of this Part;

(*o*) providing for a program of continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;

(*p*) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups

or associations of members in respect of their practices;

(*q*) respecting the reporting and publication of decisions in disciplinary matters;

(*r*) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of dentistry;

(*s*) respecting the duties and authority of the Registrar;

(*t*) requiring the payment of annual fees by members and fees for licensing, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

(*u*) prescribing forms for the purposes of this Part and providing for their use;

(*v*) providing for the exemption of any member from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

By-laws

26.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

(*a*) prescribing the seal of the College;

(*b*) providing for the execution of documents by the College;

(*c*) respecting banking and finance;

(*d*) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(*e*) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in those offices, and prescribing the duties of the President and Vice-President;

(*f*) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

(*g*) prescribing the remuneration of the members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

(*h*) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;

(*i*) delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

(*j*) providing for a code of ethics;

(*k*) providing for the appointment of inspectors for the purposes of this Part;

(*l*) prescribing forms and providing for their use;

(*m*) providing procedures for the making, amending and revoking of the by-laws;

(*n*) respecting management of the property of the College;

(*o*) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

(*p*) providing for the entering into arrangements by the College for its members respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and exempting members or any class thereof from all or part of any such levy;

(*q*) respecting membership of the College in any national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;

(*r*) respecting all of the things that are considered necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

Idem (2) A copy of the by-laws made under subsection 1 and amendments thereto,

(*a*) shall be forwarded to the Minister;

(*b*) shall be available for public inspection in the office of the College.

Signing by-laws and resolutions (3) Any by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for that purpose.

Billing for prosthetic dentures **27.**—(1) Where a prosthetic denture is supplied, altered or repaired by a member or under the supervision of a member as set out in subsection 11 of section 4 of *The Denture Therapists Act, 1974*, the laboratory costs incurred in respect of the supplying, altering or repairing of the prosthetic denture and all fees for services in respect thereof shall be rendered by the member and the account therefor shall show such laboratory costs separately from such fees and separately from all other charges and fees.

1974, c. 34

Liability for payment (2) No person is liable to pay an account to which subsection 1 applies until the account is made to comply with the requirements of subsection 1.

Licence to practise **28.**—(1) No person shall engage in or hold himself out as engaging in the practice of dentistry unless he is licensed under this Part.

Proof of practice (2) For the purposes of subsection 1, proof of the performance of one act in the practice of dentistry on one occasion is sufficient to establish engaging in the practice of dentistry.

Exception re students (3) Subsection 1 does not apply to a student of dentistry who practises dentistry within a prescribed training program under the supervision of a member who is physically present.

Idem (4) Nothing done in the practice of denture therapy or the practice of supervised denture therapy as defined in *The Denture Therapists Act, 1974* by a denture therapist licensed or provisionally licensed thereunder shall be deemed to be a contravention of this section.

Conflict with other health discipline

(5) A licence shall be deemed to authorize a member to engage in the practice of dentistry, notwithstanding that any part of such practice is included in the practice of any other health discipline.

Application of Part VI

(6) Part VI does not apply in respect of the compounding and dispensing and sale of drugs by a member for his own patients in accordance with this Part and the regulations.

Establishment of committees

29.—(1) The Council shall establish and appoint as hereinafter provided the following committees,

(*a*) Executive Committee;

(*b*) Registration Committee;

(*c*) Complaints Committee;

(*d*) Discipline Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of the Council or any committee, the members remaining in office constitute the Council or committee so long as their number is not fewer then the prescribed quorum.

Executive Committee

30.—(1) The Executive Committee shall be composed of the President and Vice-President of the Council and not more than three other members of the Council, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(2) A majority of the members of the Executive Committee constitutes a quorum.

Duties

(3) The Executive Committee shall perform such functions of the Council as are delegated to it by the Council, the by-laws or this Part and may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or by-law.

Registration Committee

31.—(1) The Registration Committee shall be composed of three persons who are members of the Council, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Chairman

(2) The Council shall name one member of the Registration Committee to be chairman.

Quorum

(3) A majority of the members of the Registration Committee constitutes a quorum.

Issuance of licences

32.—(1) The Registrar shall issue a licence to any applicant therefor who is qualified under this Part and the regulations and has passed such examinations as the Council may set or approve, and the Registrar shall refer to the Registration Committee every application for a licence that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and duties of Registration Committee

(2) The Registration Committee,

(*a*) shall determine the eligibility of applicants for licences and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fee therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(*b*) may exempt an applicant from any licensing requirement.

Idem

(3) The Registration Committee may direct the Registrar to issue or refuse to issue licences or to issue licences subject to such terms, conditions and limitations as the Committee specifies.

Review of qualifications

(4) The Registration Committee may review the qualifications of any member and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study, or continuing education as the committee specifies.

Registers of licensees

(5) The Registrar shall maintain one or more registers in which is entered every person who is licensed to practise dentistry, identifying any specialist status and the terms, conditions and limitations attached to the licence, and shall

note on the register every revocation, suspension and cancellation of a licence or recognition of specialist status and such other information as the Registration Committee or Discipline Committee directs.

Continuation of licences

R.S.O. 1970, c. 108

33. Every licence issued under *The Dentistry Act*, being chapter 108 of the Revised Statutes of Ontario, 1970, and in effect immediately before this Part comes into force continues in the same manner as if issued under this Part.

Complaints Committee

34.—(1) The Complaints Committee shall be composed of three persons who are members of the Council, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) A majority of the members of the Complaints Committee constitutes a quorum.

Duties

35.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the College regarding the conduct or actions of any member of the College, but no action shall be taken by the Committee under subsection 2 unless,

(*a*) a written complaint has been filed with the Registrar and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and

(*b*) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(*a*) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 38; or

(*b*) direct that the matter not be referred under clause *a*; or

(*c*) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Part or the regulations or by-laws.

Decision and reasons

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 8 and, where the decision is made under clause *b* of subsection 2, its reasons therefor.

Discipline Committee

36.—(1) The Discipline Committee shall be composed of eight members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council.

Chairman

(2) The Council shall appoint one of the members of the Discipline Committee to be chairman.

Composition of panels

(3) The Chairman of the Discipline Committee may assign a panel of five members of the Committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum and votes

(4) Three members of a panel assigned under subsection 3, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing.

Disability of lay member

(5) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Reference by Council or Executive Committee

(6) Notwithstanding section 35, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member.

Duties of Discipline Committee

37.—(1) The Discipline Committee shall,

(*a*) when so directed by the Council, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any member;

(*b*) hear and determine matters referred to it under section 35, 36 or 39; and

(*c*) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

(*a*) consider the allegations, hear the evidence and ascertain the facts of the case;

(*b*) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(*c*) determine whether in respect of the allegations so proved the member is guilty of professional misconduct or incompetence;

(*d*) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A member may be found guilty of professional misconduct by the Committee if,

(*a*) he has been found guilty of an offence relevant to his suitability to practise upon proof of such conviction; or

(*b*) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

(*a*) revoke the licence of the member or withdraw recognition of his specialist status, or both;

(*b*) suspend the licence of the member or recognition of his specialist status, or both, for a stated period;

(*c*) impose such restrictions on the licence of the member for such a period and subject to such conditions as the Committee designates;

(*d*) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;

(*e*) impose such fine as the Committee considers appropriate to a maximum of $5,000 to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(*f*) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

Costs

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the College reimburse the member for his costs or such portion thereof as the Discipline Committee fixes.

Stay on appeal for incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a licence or recognition of specialist status on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct

(8) Where the Discipline Committee revokes, suspends or restricts the licence or recognition of specialist status of a member on a ground other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee

(9) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member.

Continuation on expiry of Committee membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpretation

38.—(1) In this section,

(*a*) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(*b*) "incapacitated member" means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference to board of inquiry

(2) Where the Registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to

the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his licence be suspended until he complies.

Hearing by Registration Committee

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Registration Committee to hold a hearing and may suspend the member's licence until the determination of the question of his capacity becomes final.

Parties

(5) The College, the person whose capacity is being investigated and any other person specified by the Registration Committee are parties to a proceeding under this section.

Medical evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

(*a*) where the evidence is required by the College, at least five days before the hearing commences; and

(*b*) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of Registration Committee

(7) The Registration Committee shall, after the hearing,

(*a*) make a finding as to whether or not the member is an incapacitated member; and

(*b*) where the member is found to be an incapacitated member by order,

(i) revoke his licence,

(ii) suspend his licence for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as the Committee considers appropriate.

Procedures

(8) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration and appeals therefrom apply, *mutatis mutandis*, to proceedings of the Registration Committee under this section, except that the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Restoration of licence

39.—(1) A person whose licence has been revoked or suspended for cause under this Part, or a predecessor of this Part, may apply in writing to the Registrar for the issuance of a licence or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

Reference to Discipline Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Registration Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Procedures

(3) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration, except subsection 9 of section 11, apply, *mutatis mutandis*, to proceedings of the Registration Committee and Discipline Committee under this section.

Investigation of members

40.—(1) Where the Registrar believes on reasonable and probable grounds that a member has committed an act of professional misconduct or incompetence, the Registrar may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make

the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding

or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of Registrar

(7) The Registrar shall report the results of the investigation to the Council or the Executive Committee or such other committee as he considers appropriate.

Matters confidential

41.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 40 and any member of the Council or a Committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 40 and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Part and the regulations and by-laws or any proceedings under this Part or the regulations;

(*b*) as may be required for the enforcement of *The Health Insurance Act, 1972*; 1972, c. 91

(*c*) to his counsel; or

(*d*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Part or the regulations or by-laws.

Restraining orders

42.—(1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Penalties

43.—(1) Every person who is in contravention of section 28 is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who, not being a member, uses an occupational designation prescribed by the regulations to be used by members or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $1,000 and for each subsequent offence to a fine of not more than $2,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 40 in the course of his duties is guilty of an offence and on summary conviction is liable to a fine not exceeding $2,000.

Repeals

44.—(1) *The Dentistry Act*, being chapter 108 of the Revised Statutes of Ontario, 1970, except section 12 thereof, *The Dentistry Amendment Act, 1972*, being chapter 141 and *The Dentistry Amendment Act, 1974*, being chapter 35, are repealed.

Idem

(2) For the purposes of section 12 of *The Dentistry Act*, the Council shall be deemed to be the Board referred to therein.

References

(3) Any reference in any Act or regulation to *The Dentistry Act* shall be deemed to be a reference to this Part.

PART III

MEDICINE

Interpretation

45.—(1) In this Part,

(*a*) "by-laws" means the by-laws made under this Part;

(*b*) "College" means the College of Physicians and Surgeons of Ontario;

(*c*) "Council" means the Council of the College;

(*d*) "licence" means a licence for the practice of medicine issued under this Part;

(*e*) "member" means a member of the College;

(*f*) "practice of medicine" includes the practice of surgery and obstetrics;

(*g*) "prescribed" means prescribed by the regulations or by-laws made under this Part;

(*h*) "Registrar" means the Registrar of the College;

(*i*) "regulations" means the regulations made under this Part.

Health discipline

(2) The practice of medicine is a health discipline to which this Part applies.

College of Physicians and Surgeons continued

46.—(1) The College of Physicians and Surgeons of Ontario is continued as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Part.

Objects

(2) The objects of the College are,

(*a*) to regulate the practice of medicine and to govern its members in accordance with this Act, the regulations and the by-laws;

(*b*) to establish, maintain and develop standards of knowledge and skill among its members;

(*c*) to establish, maintain and develop standards of qualification and practice for the practice of medicine;

(*d*) to establish, maintain and develop standards of professional ethics among its members;

(*e*) to administer this Part and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act;

(*f*) such other objects relating to human health care as the Council considers desirable,

in order that the public interest may be served and protected.

Membership in the College

47.—(1) Every person licensed by the College is a member of the College subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Cancellation for default of fees

(3) The Registrar may cancel a licence for non-payment of any prescribed fee after giving the member at least two months notice of the default and intention to cancel subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct as a member.

Council of the College

48.—(1) The Council of the College is continued and shall be the governing body and board of directors of the College and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(*a*) one person who is appointed by the faculty of medicine of each university in Ontario that conducts a course in medicine and is authorized to grant degrees in medicine, such person to be appointed from among the members of the faculty;

(*b*) not fewer than four and not more than six persons who are not members of a Council under this Act or registered or licensed under this Act or any other Act governing a health practice, and are appointed by the Lieutenant Governor in Council; and

(*c*) not fewer than twelve and not more than sixteen persons who are members and are elected by the members in the manner provided by the regulations.

Remuneration of lay members

(3) The persons appointed under clause *b* of subsection 2 shall be paid, out of moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Expiration of appointment

(4) The appointment of every person appointed under subsection 2 expires at the first regular meeting of the Council following the election of members to Council held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

Qualifications to vote

(5) Every member who is,

(*a*) resident in Ontario;

(*b*) licensed to practise medicine and not limited to practising for educational purposes only; and

(*c*) not in default of payment of the prescribed annual fee,

is qualified to vote at an election of members of the Council.

(6) The Council shall elect annually a President and Vice-President from among its members. President and Vice-President

(7) The Council shall appoint during pleasure a Registrar and such other officers and servants as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the College. Registrar and officers

(8) A majority of the members of the Council constitutes a quorum. Quorum

(9) The members of the Council who were elected under *The Medical Act*, being chapter 268 of the Revised Statutes of Ontario, 1970 and were in office immediately before this Part comes into force shall continue in office and shall be deemed to be the members referred to in clause *c* of subsection 2 until the expiration of the term for which they were elected or until the office otherwise becomes vacant. Continuation of Council members under R.S.O. 1970, c. 268

49. In addition to his powers and duties under Part I, the Minister may, Powers of Minister

(*a*) review the activities of the Council;

(*b*) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(*c*) advise the Council with respect to the implementation of this Part and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

50. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations, Regulations

(*a*) fixing the number of members to be elected to the Council and establishing electoral districts for elections;

(*b*) respecting and governing the qualifications, nomination, election and term of office of the members to be elected to the Council, and controverted elections;

(*c*) prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

(*d*) respecting any matter ancillary to the provisions of this Part with regard to the issuing, suspension and revocation of licences;

(*e*) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;

(*f*) providing for the maintenance and inspection of registers of persons permitted to practise and for the issuance of certificates of standing by the Registrar;

(*g*) governing standards of practice for the profession;

(*h*) defining classes of specialists in the various branches of medicine, prescribing the qualifications required, providing for the suspension or revocation of any such designation, and for the regulation and prohibition of the use of terms, titles or designations by members indicating specialization in any branch of medicine;

(*i*) regulating the compounding, dispensing and sale of drugs by members and the containers and labelling therefor, prescribing the records that shall be kept and requiring reports to the Minister respecting such compounding, dispensing and sale;

(*j*) governing the designation of life members of the College and prescribing their rights and privileges;

(*k*) authorizing persons other than members to perform specified acts in the practice of medicine under the supervision or direction of a member;

(*l*) prohibiting the practice of medicine where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

(*m*) defining professional misconduct for the purposes of this Part;

(*n*) providing for a program of continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;

(*o*) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups or associations of members in respect of their practices;

(*p*) prescribing the minimum number of members who may constitute a clinic and the minimum range of medical services that shall be provided in a clinic;

(*q*) respecting the reporting and publication of decisions in disciplinary matters;

(*r*) requiring and providing for the inspection and examination of books, accounts, reports and medical records of members in connection with their practice;

(*s*) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;

(*t*) respecting the duties and authority of the Registrar;

(*u*) requiring the payment of fees by members and fees for licensing, examinations and continuing education, including penalties for late payment and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

(*v*) prescribing forms and providing for their use;

(*w*) providing for the exemption of any member from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

By-laws

51.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

(*a*) prescribing the seal of the College;

(*b*) providing for the execution of documents by the College;

(*c*) respecting banking and finance;

(*d*) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(*e*) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in those offices, and prescribing the duties of the President and Vice-President;

(*f*) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

(*g*) respecting the calling, holding and conducting of meetings of the membership of the College;

(*h*) prescribing the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

(*i*) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;

(*j*) delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

(*k*) providing for a code of ethics;

(*l*) prescribing forms and providing for their use;

(*m*) providing procedures for the making, amending and revoking of the by-laws;

(*n*) respecting management of the property of the College;

(*o*) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

(*p*) providing for the entering into arrangements by the College for its members respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and exempting members or any class thereof from all or part of any such levy;

(*q*) providing for the establishment, maintenance and administration of a benevolent fund for needy practitioners in Ontario and the dependants of deceased members;

(*r*) respecting membership of the College in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;

(*s*) respecting all of the things that are considered necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

(2) A copy of the by-laws made under subsection 1 and amendments thereto, Idem

(*a*) shall be forwarded to the Minister;

(*b*) shall be forwarded to each member; and

(*c*) shall be available for public inspection in the office of the College.

(3) Any by-law or resolution signed by all members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for the purpose. Signing by-law and resolutions

52.—(1) No person shall engage in or hold himself out as engaging in the practice of medicine unless he is licensed under this Part. Licence to practise

(2) For the purposes of subsection 1, Exceptions

(*a*) rendering first aid or temporary assistance in an emergency without fee; or

(*b*) the administration of household remedies by members of the patient's household,

shall be deemed not to be engaging in the practice of medicine.

(3) Subsection 1 does not apply to a student of medicine engaging in a curriculum of studies at a medical school in a university in Ontario. Students excepted

(4) For the purposes of this section, proof of the performance of one act in the practice of medicine on one occasion is sufficient to establish engaging in the practice of medicine. Proof of practice

(5) A member or person authorized by the regulations may engage in the practice of medicine, notwithstanding that any part of such practice is included in the practice of any other health discipline. Conflict with other health discipline

(6) Part VI does not apply in respect of the compounding and dispensing and sale of drugs by a member for his own patients in accordance with this Part and the regulations. Application of Part VI

(7) Nothing in this Part shall be construed to affect the treatment of human ailments by the use of prayer or spiritual means in the exercise of a religion in accordance with the tenets of an established church by the members thereof. Faith healing

53.—(1) The Council shall establish and appoint as hereinafter provided the following committees, Establishment of committees

(*a*) Executive Committee;

(*b*) Registration Committee;

(*c*) Complaints Committee;

(*d*) Discipline Committee;

(*e*) Fitness to Practise Committee,

and may establish such other committees as the Council from time to time considers necessary.

Medical Review Committee 1972, c. 91

(2) The Council may give the Medical Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act.

Vacancies

(3) Where one or more vacancies occur in the membership of the Council or any committee, the members remaining in office constitute the Council or committee so long as their number is not fewer than the prescribed quorum.

Executive Committee

54.—(1) The Executive Committee shall be composed of,

(*a*) the President, who shall be chairman of the Committee;

(*b*) the Vice-President; and

(*c*) three persons who are members of the Council, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(2) A majority of the members of the Executive Committee constitutes a quorum.

Duties

(3) The Executive Committee shall perform such functions of the Council as are delegated to it by the Council, the by-laws or this Part and, subject to ratification by the Council at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or by-law.

Registration Committee

55.—(1) The Registration Committee shall be composed of,

(*a*) one member of the Council who was appointed to the Council by a university;

(*b*) two members of the Council who were elected to the Council;

(*c*) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council; and

(*d*) the President and Vice-President, *ex officio*.

(2) The Council shall name one member of the Registration Committee to be chairman. Chairman

(3) A majority of the members of the Registration Committee constitutes a quorum. Quorum

56.—(1) The Registrar shall issue a licence to any applicant therefor who is qualified under this Part and the regulations and has passed such examinations as the Council may set or approve, and the Registrar shall refer to the Registration Committee every application for a licence that he proposes to refuse or to which he considers terms, conditions or limitations should be attached. Issuance of licences

(2) The Registration Committee, Powers and duties of Registration Committee

(*a*) shall determine the eligibility of applicants for licences and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(*b*) may exempt an applicant from any licensing requirement.

(3) The Registration Committee may direct the Registrar to issue or refuse to issue licences or to issue licences subject to such terms, conditions and limitations as the Committee specifies. Idem

(4) The Registration Committee may review the qualifications of any member and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies. Review of qualifications

(5) The Registrar shall maintain one or more registers in which is entered every person who is licensed to practise medicine, identifying any specialist status and the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence or recognition of specialist status and such other information as the Registration Committee or Discipline Committee directs. Registers of licensees

(6) Every licence issued under *The Medical Act*, being chapter 268 of the Revised Statutes of Ontario, 1970 and in effect immediately before this Part comes into force continues in the same manner as if issued under this Part. Continuation of licences R.S.O. 1970, c. 268

57.—(1) The Complaints Committee shall be composed of, Complaints Committee

(*a*) two persons who are members of the College;

(*b*) one member of the Council who was appointed to the Council by a university;

(*c*) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.

Idem (2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman (3) The Council shall name one member of the Complaints Committee to be its chairman.

Quorum (4) A majority of the members of the Complaints Committee constitutes a quorum.

Duties **58.**—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the College regarding the conduct or actions of any member of the College, but no action shall be taken by the Committee under subsection 2 unless,

(*a*) a written complaint has been filed with the Registrar and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and

(*b*) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem (2) The Committee in accordance with the information it receives may,

(*a*) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 62; or

(*b*) direct that the matter not be referred under clause *a*; or

(*c*) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Part or the regulations or by-laws.

Decision and reasons (3) The Committee shall give its decision in writing to the Registrar for the purposes of section 8 and, where the decision is made under clause *b* of subsection 2, its reasons therefor.

Discipline Committee **59.**—(1) The Discipline Committee shall be composed of ten members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council.

Chairman

(2) The Council shall appoint one of the members of the Discipline Committee to be chairman.

Composition of panels

(3) The Chairman of the Discipline Committee may assign a panel of five members of the Committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Disability of lay member

(4) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Quorum and votes

(5) Three members of a panel assigned under subsection 3, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing, but in the event of a tie vote the chairman shall have a second or casting vote.

Reference by Council or Executive Committee

(6) Notwithstanding section 58, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member.

Duties of Discipline Committee

60.—(1) The Discipline Committee shall,

(*a*) when so directed by the Council, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any member;

(*b*) hear and determine matters referred to it under section 58, 59 or 63; and

(*c*) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

(*a*) consider the allegations, hear the evidence and ascertain the facts of the case;

(*b*) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(*c*) determine whether in respect of the allegations so proved the member is guilty of professional misconduct or incompetence;

(*d*) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A member may be found guilty of professional misconduct by the Committee if,

(*a*) he has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;

R.S.C. 1970, cc. N-1, F-27

(*b*) if his rights or privileges under the *Narcotic Control Act* (Canada) or the *Food and Drugs Act* (Canada) or the regulations under either of them have been restricted or withdrawn, unless by his own request, upon proof thereof; or

(*c*) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

(*a*) revoke the licence of the member, or withdraw recognition of his specialist status, or both;

(*b*) suspend the licence of the member or recognition of his specialist status, or both, for a stated period;

(*c*) impose such restrictions on the licence of the member for such a period and subject to such conditions as the Committee designates;

(*d*) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;

(*e*) impose such fine as the Committee considers appropriate to a maximum of $5,000 to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(*f*) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

Costs

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the College reimburse the member for his costs or such portion thereof as the Discipline Committee fixes.

Stay on appeal for incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a licence or recognition of specialist status on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct

(8) Where the Discipline Committee revokes, suspends or restricts the licence or recognition of specialist status of a member on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee

(9) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member.

Continuation on expiry of Committee membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Fitness to Practise Committee

61.—(1) The Fitness to Practise Committee shall be composed of twelve persons, of whom at least four shall be members of the Council and eight may be members of the College who are not members of the Council.

Chairman

(2) The Council shall appoint one of the members of the Fitness to Practise Committee who is a member of the Council to be chairman of the Committee.

Composition of panels and quorum

(3) The chairman of the Fitness to Practise Committee may assign a panel of three members to hold a hearing, of whom at least one shall be a member who is a member of the Council, and such panel constitutes a quorum of the Committee for a hearing.

Votes

(4) All decisions of the Fitness to Practise Committee require the vote of a majority of the members presiding at the hearing.

Interpretation

62.—(1) In this section,

(*a*) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(*b*) "incapacitated member" means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference to board of inquiry

(2) Where the Registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his licence be suspended until he complies.

Hearing by Fitness to Practise Committee

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Fitness to Practise Committee to hold a hearing and may suspend the member's licence until the determination of the question of his capacity becomes final.

Parties

(5) The College, the person whose capacity is being investigated and any other person specified by the Fitness to Practise Committee are parties to a proceeding under this section.

Medical evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

(*a*) where the evidence is required by the College, at least five days before the hearing commences; and

(*b*) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of Fitness to Practise Committee

(7) The Fitness to Practise Committee shall, after the hearing,

(*a*) make a finding as to whether or not the member is an incapacitated member; and

(*b*) where the member is found to be an incapacitated member, by order,

(i) revoke his licence,

(ii) suspend his licence for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as the Committee considers appropriate.

Procedures

(8) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration and appeals therefrom apply, *mutatis mutandis*, to proceedings of the Fitness to Practise Committee under this section, except that the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Restoration of licence

63.—(1) A person whose licence has been revoked or suspended for cause under this Part, or under a predecessor of this Part, may apply in writing to the Registrar for the issuance of a licence or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for a period of more than one year, one year after the suspension.

Reference to Discipline Committee

(2) The Registrar shall refer the application to the Discipline Committee or, when the revocation or suspension was on the grounds of incapacity, to the Fitness to Practise Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Procedures

(3) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration, except

subsection 9 of section 11, apply, *mutatis mutandis*, to proceedings of the Fitness to Practise Committee and Discipline Committee under this section.

Direction by Council to issue licence

(4) Notwithstanding subsections 1, 2 and 3, the Council or the Executive Committee may direct at any time that a licence be issued to a person whose licence has previously been revoked for cause or a suspension for cause be removed, subject to such terms, conditions or limitations as the Council or Executive Committee, as the case may be, considers appropriate.

Investigation of members

64.—(1) Where the Registrar believes on reasonable and probable grounds that a member has committed an act of professional misconduct or incompetence, the Registrar may, with the approval of the Executive Committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investiga-

tion, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of Registrar

(7) The Registrar shall report the results of the investigation to the Council or the Executive Committee or to such other committee as he considers appropriate.

Matters confidential

65.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 64, and any member of the Council or a Committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 64 and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Part and the regulations and by-laws or any proceedings under this Part or the regulations; or

(*b*) as may be required for the enforcement of *The Health Insurance Act, 1972*; 1972, c. 91

(*c*) to his counsel; or

(*d*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Part or the regulations or by-laws.

Restraining orders

66.—(1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Penalties

67.—(1) Every person who is in contravention of section 52 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $2,000 and for each subsequent offence to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who not being a member uses an occupational designation prescribed by the regulations to be used by members or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $1,000 and for each subsequent offence to a fine of not more than $2,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 64 in the course of his duties is guilty of an offence and on summary conviction is liable to a fine not exceeding $2,000.

Repeals

68.—(1) *The Medical Act*, being chapter 268 of the Revised Statutes of Ontario, 1970, and *The Medical Amendment Act, 1973*, being chapter 129, are repealed.

References

(2) Any reference in any Act or regulation to *The Medical Act* shall be deemed to be a reference to this Part.

PART IV

NURSING

Interpretation

69.—(1) In this Part,

(*a*) "by-laws" means the by-laws made under this Part;

(*b*) "certificate" means a current certificate issued under this Part authorizing the holder to hold himself out as competent to practise as a registered nurse or registered nursing assistant;

(*c*) "College" means the College of Nurses of Ontario;

(*d*) "Council" means the Council of the College;

(*e*) "Director" means the Director of the College;

(*f*) "member" means a member of the College;

(*g*) "register" means a register maintained by the Director under this Part, and "registered" and "registration" have corresponding meanings;

(*h*) "registered nurse" and "registered nursing assistant" means a person who is the holder of a certificate as a registered nurse or registered nursing assistant, respectively;

(*i*) "regulations" means the regulations made under this Part.

Health discipline

(2) The performance of nursing services by a registered nurse or a registered nursing assistant is a health discipline to which this Part applies.

College of Nurses of Ontario continued

70.—(1) The College of Nurses of Ontario is continued as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Part.

Objects

(2) The objects of the College are,

(*a*) to regulate the practice of nursing and to govern its members in accordance with this Act, the regulations and the by-laws;

(*b*) to establish, maintain and develop standards of knowledge and skill among its members;

(*c*) to establish, maintain and develop standards of qualification and practice for the practice of nursing;

(*d*) to establish, maintain and develop standards of professional ethics among its members;

(*e*) to administer this Part and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act;

(*f*) such other objects relating to human health care as the Council considers desirable,

in order that the public interest may be served and protected.

Membership in the College

71.—(1) Every person who is the holder of a certificate is a member of the College subject to any term, condition or limitation to which his certificate is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Director his resignation in writing and his certificate is thereupon cancelled, subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Cancellation for default of fees

(3) The Director may cancel a certificate for non-payment of any prescribed fee after giving the member at least one month's notice of the default and intention to cancel, subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Council of the College

72.—(1) The Council of the College is continued and shall be the governing body and board of directors of the College and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(*a*) not fewer than eighteen and not more than twenty-five persons, consisting of registered nurses and registered nursing assistants in the proportions determined by the regulations, who are resident or employed in Ontario and are elected by the members in the manner provided by the regulations; and

(*b*) not fewer than six and not more than eight persons who are not members of a Council under this Act or registered or licensed under this Act or any other Act governing a health practice, and who are appointed by the Lieutenant Governor in Council.

Remuneration of lay appointees

(3) The persons appointed under clause *b* of subsection 2 shall be paid out of moneys appropriated therefor by the Legislature such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Expiration of appointment

(4) The appointment of every person appointed under subsection 2 expires at the first regular meeting of the Council following the election of members to Council held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

Qualifications to vote

(5) Every member who is,

(*a*) resident or employed in Ontario; and

(*b*) not in default of payment of the annual fee prescribed by the regulations,

is qualified to vote at an election of members of the Council.

President and Vice-President

(6) The Council shall elect annually a President and Vice-President from among its members.

Director and staff

(7) The Council shall appoint during pleasure a Director and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College and the Director shall be deemed to be the Registrar for the purposes of Part I.

Meetings of Council

(8) The Council shall meet at least twice a year.

Quorum

(9) A majority of the members of the Council constitutes a quorum.

Continuation of Council members under R.S.O. 1970, c. 301

(10) The members of the Council who were elected under *The Nurses Act*, being chapter 301 of the Revised Statutes of Ontario, 1970 and were in office immediately before this Part comes into force shall continue in office and shall be deemed to be the members referred to in clause *a* of subsection 2 until the expiration of the term for which they were elected or until the office otherwise becomes vacant.

Powers of Minister

73. In addition to his powers and duties under Part I, the Minister may,

(*a*) review the activities of the Council;

(*b*) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(*c*) advise the Council with respect to the implementation of this Part and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

74. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(*a*) fixing the number of members to be elected to the Council, the proportions thereof who shall be registered nurses and registered nursing assistants and establishing the regional and other representation for elections;

(*b*) respecting and governing the nomination, election and term of office of the members to be elected to the Council, the filling of vacancies on the Council and controverted elections;

(*c*) respecting any matter ancillary to the provisions of this Part with regard to the issuing, renewal, suspension and revocation of certificates;

(*d*) providing for the expiration of certificates and governing the requirements and qualifications for the issuing and renewal of certificates;

(*e*) providing for the maintenance and inspection of registers;

(*f*) governing standards of practice for the profession;

(*g*) prohibiting the practice of nursing by members where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

(*h*) defining professional misconduct for the purposes of this Part;

(*i*) providing for a program for the continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;

(*j*) respecting the reporting and publication of decisions in disciplinary matters;

(*k*) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;

(*l*) respecting the duties and authority of the Director;

(*m*) requiring the payment of annual fees by members and fees for certification and examinations, and prescribing the amounts thereof;

(*n*) prescribing forms and providing for their use;

(*o*) providing for the exemption of any member from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

By-laws

75.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

(*a*) prescribing the seal of the College;

(*b*) providing for the execution of documents by the College;

(*c*) respecting banking and finance;

(*d*) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(*e*) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in those offices, and prescribing the duties of the President and Vice-President;

(*f*) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

(*g*) respecting the calling, holding and conducting of meetings of the membership of the College;

(*h*) prescribing the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

(*i*) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;

(*j*) delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

(*k*) providing for a code of ethics;

(*l*) prescribing forms and providing for their use;

(*m*) providing procedures for the making, amending and revoking of the by-laws;

(*n*) respecting management of the property of the College;

(*o*) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

(*p*) providing for the entering into arrangements by the College for its members respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and exempting members or any class thereof from all or part of any such levy;

(*q*) respecting membership of the College in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;

(*r*) respecting all of the things that are considered necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

Distribution of by-laws

(2) A copy of the by-laws made under subsection 1 and amendments thereto,

(*a*) shall be forwarded to the Minister;

(*b*) shall be forwarded to each member; and

(*c*) shall be available for public inspection in the office of the College.

Use of titles

76.—(1) No person shall hold himself out as competent to practise as a registered nurse or as a registered nursing assistant or otherwise as the holder of a certificate under this Part unless such person is the holder of the appropriate certificate under this Part.

Idem

(2) No person shall use the title "registered nurse" or the designation "Reg.N." or "R.N." or other designation representing the title unless such person is the holder of a certificate as a registered nurse under this Part.

Idem

(3) No person shall use the title "registered nursing assistant" or the designation "R.N.A." or other designation representing the title unless such person is the holder of a certificate as a registered nursing assistant under this Part.

Establishment of committees

77.—(1) The Council shall establish and appoint as hereinafter provided the following committees,

(*a*) Executive Committee;

(*b*) Registration Committee;

(*c*) Complaints Committee;

(*d*) Discipline Committee,

and the appointments thereto shall include representation of both registered nurses and registered nursing assistants.

Other Committees

(2) The Council may establish such other committees as the Council from time to time considers necessary.

Vacancies

(3) Where one or more vacancies occur in the membership of the Council or any committee, the members remaining in office constitute the Council or committee so long as their number is not fewer than the prescribed quorum.

Executive Committee

78.—(1) The Executive Committee shall be composed of,

(*a*) the President, who shall be chairman of the Committee;

(*b*) the Vice-President; and

(*c*) three persons who are members of the Council, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Duties

(2) The Executive Committee shall perform such functions of the Council as are delegated to it by the Council, the by-laws or this Part and, subject to ratification by the Council at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or by-law.

Quorum

(3) A majority of the members of the Executive Committee constitutes a quorum.

Registration Committee

79.—(1) The Registration Committee shall be composed of nine persons who are members of the Council, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Chairman

(2) The Council shall name one member of the Registration Committee to be chairman.

Quorum

(3) A majority of the members of the Registration Committee constitutes a quorum.

Reports

(4) The Registration Committee shall submit an annual report of its activities to the Council and may make such other reports to the Council and Executive Committee as it considers appropriate.

Issuance of certificates

80.—(1) The Director shall issue a certificate or renewal thereof to any applicant therefor who is qualified under this Part and the regulations and has passed such examinations as the Council may set or approve, and the Director shall refer to the Registration Committee every application for a certificate or renewal thereof that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and duties of Registration Committee

(2) The Registration Committee,

(*a*) shall determine the eligibility of applicants for certificates or renewals thereof and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(*b*) may exempt an applicant from any requirement for certification.

Conditions of certificates

(3) The Registration Committee may direct the Director to issue or refuse to issue certificates and renewals or to issue certificates and renewals subject to such terms, conditions and limitations as the Committee specifies.

Refusal to renew

(4) For the purposes of Part I, a refusal to renew a certificate shall be deemed to be a refusal to grant the certificate.

Review of qualifications

(5) The Registration Committee may review the qualifications of any member and may impose a further term, condition or limitation on his certificate pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Registers

(6) The Director shall maintain one or more registers in which is entered every person to whom a certificate has been issued identifying the terms, conditions and limitations attached to the certificate or the registration and every revocation, suspension, cancellation and expiration or other termination and every renewal of the certificate and such other information as the Registration Committee or Discipline Committee directs.

Continuance of registration under R.S.O. 1970, c. 301

(7) Every person who was registered as a registered nurse or a registered nursing assistant under *The Nurses Act*, being chapter 301 of the Revised Statutes of Ontario, 1970, immediately before this Part comes into force shall be deemed to be the holder of a certificate under this Part until it expires or is revoked, suspended or cancelled under this Part.

Complaints Committee

81.—(1) The Complaints Committee shall be composed of five persons who are members of the Council, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee. Membership in other Committees

(3) The Council shall name one member of the Complaints Committee to be chairman. Chairman

(4) Three members of the Complaints Committee constitute a quorum. Quorum

82.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the College regarding the conduct or actions of any member of the College, but no action shall be taken by the Committee under subsection 2 unless, Duties

(*a*) a written complaint has been filed with the Director and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and

(*b*) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it receives may, Idem

(*a*) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 85; or

(*b*) direct that the matter not be referred under clause *a*; or

(*c*) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Part or the regulations or by-laws.

(3) The Committee shall give its decision in writing to the Director for the purposes of section 8 and, where the decision is made under clause *b* of subsection 2, its reasons therefor. Decision and reasons

83.—(1) The Discipline Committee shall be composed of ten persons who are members of the Council, of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council. Discipline Committee

(2) Five or more members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting. Quorum and votes

Disability of lay member

(3) Where the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Chairman

(4) The Council shall name one member of the Discipline Committee to be chairman.

Reference by Council or Executive Committee

(5) Notwithstanding section 82, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member.

Duties of Discipline Committee

84.—(1) The Discipline Committee shall,

(*a*) when so directed by the Council, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any member;

(*b*) hear and determine matters referred to it under section 82, 83 or 86; and

(*c*) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

(*a*) consider the allegations, hear the evidence and ascertain the facts of the case;

(*b*) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(*c*) determine whether in respect of the allegations so proved the member is guilty of professional misconduct or incompetence;

(*d*) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A member may be found guilty of professional misconduct by the Committee if,

(*a*) he has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;

(*b*) he is in contravention of subsection 1 of section 76; or

(*c*) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his profes-

sional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

(*a*) revoke the certificate of the member;

(*b*) suspend the certificate of the member for a stated period;

(*c*) impose such restrictions on the certificate of the member for such a period and subject to such conditions as the Committee designates;

(*d*) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;

(*e*) impose such fine as the Committee considers appropriate to a maximum of $5,000 to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(*f*) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

Costs

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the College reimburse the member for his costs or such portion thereof as the Discipline Committee fixes.

Expiration of suspended or restricted certificate

(7) Where a certificate is suspended or restricted for a period under subsection 5, the suspension or restriction applies in respect of any renewal or right to renewal of the certificate for the duration of the period.

Stay on appeal for incompetence

(8) Where the Discipline Committee revokes, suspends or restricts a certificate on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct

(9) Where the Discipline Committee revokes, suspends or restricts the certificate of a member on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee

(10) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member.

Continuation on expiry of Committee membership

(11) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpretation

85.—(1) In this section,

(*a*) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(*b*) "incapacitated member" means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference to board of inquiry

(2) Where the Director receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his certificate be suspended until he complies.

Hearing by Registration Committee

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Registration Committee to hold a hearing and may suspend the member's certificate until the determination of the question of his capacity becomes final.

Parties

(5) The board of inquiry, the person whose capacity is being investigated and any other person specified by the Registration Committee are parties to a proceeding under this section.

Medical evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but,

when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

(*a*) where the evidence is required by the College, at least five days before the hearing commences; and

(*b*) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of Registration Committee

(7) The Registration Committee shall, after the hearing,

(*a*) make a finding as to whether or not the member is an incapacitated member; and

(*b*) where the member is found to be an incapacitated member, by order,

(i) revoke his certificate,

(ii) suspend his certificate for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the certificate as the Committee considers appropriate.

Procedures

(8) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration and appeals therefrom apply, *mutatis mutandis*, to proceedings of the Registration Committee under this section, except that the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Restoration of registration or certificate

86.—(1) A person whose certificate has been revoked or suspended for cause under this Part, or registration has been suspended or cancelled for cause under a predecessor of this Part, may apply in writing to the Director for the issuance of a certificate or removal of the suspension, but such application shall not be made sooner than one year after the revocation or cancellation, or where the suspension is for more than one year, one year after the suspension.

Reference to Discipline Committee

(2) The Director shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Registration Committee, which

shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Procedures

(3) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration, except subsection 9 of section 11, apply, *mutatis mutandis*, to proceedings of the Registration Committee and Discipline Committee under this section.

Duties of employers of registered nurses

87. Every person, other than a patient, who employs a person as a registered nurse or registered nursing assistant and every agency or registry that procures employment for a person as a registered nurse or registered nursing assistant,

(*a*) shall ensure that such person is the holder of an appropriate certificate under this Part; and

(*b*) shall report to the College any termination of such employment for reasons purporting to constitute professional misconduct, incompetence or incapacity.

Restraining orders

88.—(1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Penalties

89.—(1) Every person who is in contravention of section 76 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $2,000 and for each subsequent offence to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who is in contravention of section 87 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $1,000 and for each subsequent offence to a fine of not more than $2,000.

Repeals

90.—(1) *The Nurses Act*, being chapter 301 of the Revised Statutes of Ontario, 1970 and *The Nurses Amendment Act, 1973*, being chapter 30, are repealed.

References

(2) Any reference in any Act or regulation to *The Nurses Act* shall be deemed to be a reference to this Part.

PART V

OPTOMETRY

Interpretation

91.—(1) In this Part,

(*a*) "by-laws" means the by-laws made under this Part;

(*b*) "College" means the College of Optometrists of Ontario;

(*c*) "Council" means the Council of the College;

(*d*) "licence" means a licence for the practice of optometry issued under this Part;

(*e*) "member" means a member of the College;

(*f*) "practice of optometry" means the services usually performed by an optometrist, including the measurement and assessment of vision, other than by the use of drugs, except such drugs for such purposes as are prescribed by the regulations, the prescribing and dispensing of ophthalmic appliances, and prescribing and providing orthoptics for the relief or correction of any visual or muscular error or defect of the eye;

(*g*) "Registrar" means the Registrar of the College;

(*h*) "regulations" means the regulations made under this Part.

Health discipline

(2) The practice of optometry is a health discipline to which this Part applies.

College of Optometrists of Ontario continued

92.—(1) The College of Optometrists of Ontario is continued as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Part.

Objects

(2) The objects of the College are,

(*a*) to regulate the practice of optometry and to govern its members in accordance with this Act, the regulations and the by-laws;

(*b*) to establish, maintain and develop standards of knowledge and skill among its members;

(*c*) to establish, maintain and develop standards of qualification and practice for the practice of optometry;

(*d*) to establish, maintain and develop standards of professional ethics among its members;

(*e*) to administer this Part and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act,

in order that the public interest may be served and protected.

Membership in the College

93.—(1) Every person licensed by the College is a member of the College subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Cancellation for default of fees

(3) The Registrar may cancel a licence for non-payment of any prescribed fee after giving the member at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Council of the College

94.—(1) The Board of Directors of the College is continued as the Council of the College which shall be the governing body and board of directors of the College and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(*a*) one person who is appointed by the University of Waterloo from the faculty of the School of Optometry;

(*b*) three persons who are not members of a Council under this Act or registered or licensed under this Act or any other Act governing a health practice and are appointed by the Lieutenant Governor in Council; and

(*c*) six persons who are members and are elected by the members in the manner provided by the regulations.

Remuneration of lay appointees

(3) The persons appointed under clause *b* of subsection 2 shall be paid, out of moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Expiration of appointment

(4) The appointment of every person appointed under subsection 2 shall be for a term not exceeding three years, and a person whose appointment expires is eligible for re-appointment.

Qualifications to vote

(5) Every member who is,

(*a*) resident in Ontario; and

(*b*) not in default of payment of the annual fee prescribed by the regulations,

is qualified to vote at an election of members of the Council.

President and Vice-President

(6) The Council shall elect annually a President and Vice-President from among its members.

Registrar, Treasurer, Secretary and staff

(7) The Council shall appoint during pleasure a Registrar, Treasurer, Secretary and such other officers and servants as may from time to time be necessary in the opinion of the Council to perform the work of the College.

Quorum

(8) A majority of the members of the Council constitutes a quorum.

Continuation of Council members under R.S.O. 1970, c. 335

(9) The members of the Council who were elected under *The Optometry Act*, being chapter 335 of the Revised Statutes of Ontario, 1970 and were in office immediately before this Part comes into force shall continue in office and shall be deemed to be the members referred to in clause *c* of subsection 2 until the expiration of the term for which they were elected or until the office otherwise becomes vacant.

Powers of Minister

95. In addition to his powers and duties under Part I, the Minister may,

(*a*) review the activities of the Council;

(*b*) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(*c*) advise the Council with respect to the implementation of this Part and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

96. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(*a*) establishing electoral districts for the purposes of the election of members to the Council and respecting and governing the qualifications, nomination, election and term of office of the members to be elected, and controverted elections;

(*b*) prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

(*c*) respecting any matter ancillary to the provisions of this Part with regard to the issuing, suspension and revocation of licences;

(*d*) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;

(*e*) providing for the maintenance and inspection of registers of persons permitted to practise;

(*f*) governing standards of practice for the profession;

(*g*) prescribing drugs that may be used in the practice of optometry for such purposes as are specified;

(*h*) providing for the designation of life members of the College and prescribing their rights and privileges;

(*i*) authorizing persons other than members to perform specified acts in the practice of optometry under the supervision or direction of a member;

(*j*) prohibiting the practice of optometry where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

(*k*) defining professional misconduct for the purposes of this Part;

(*l*) providing for a program of continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;

(*m*) providing for the establishment and operation of an appraisal committee for the purposes of examining and assessing the standard of practice in the profession and reporting thereon to the Council and examining and assessing the standards of practice, qualifications and continuing education of members and making recommendations to the Registration Committee thereon;

(*n*) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups or associations of members in respect of their practices;

(*o*) respecting the reporting and publication of decisions in disciplinary matters;

(*p*) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;

(*q*) respecting the duties and authority of the Registrar;

(*r*) requiring and providing for the inspection and examination of the office, records and equipment of members in connection with their practice;

(*s*) prescribing the records that shall be kept respecting patients;

(*t*) requiring the payment of annual fees by members and fees for licensing, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

(*u*) prescribing forms and providing for their use;

(*v*) providing for the exemption of any member from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

By-laws

97.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

(*a*) prescribing the seal of the College;

(*b*) providing for the execution of documents by the College;

(*c*) respecting banking and finance;

(*d*) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(*e*) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in those offices, and prescribing the duties of the President and Vice-President;

(*f*) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

(*g*) respecting the calling, holding and conducting of meetings of the membership of the College;

(*h*) prescribing the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

(*i*) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;

(*j*) delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

(*k*) providing for a code of ethics;

(*l*) prescribing forms and providing for their use;

(*m*) providing procedures for the making, amending and revoking of the by-laws;

(*n*) respecting management of the property of the College;

(*o*) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

(*p*) providing for the entering into arrangements by the College for its members respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and exempting members or any class thereof from all or part of any such levy;

(*q*) respecting membership of the College in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;

(*r*) providing for the appointment of inspectors for the purposes of this Part;

(*s*) respecting all of the things that are considered necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

Confirmation of by-laws

(2) A by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of members of the College held after its passing, unless it is confirmed by the meeting.

Distribution of by-laws

(3) A copy of the by-laws made under subsection 1 and amendments thereto,

(*a*) shall be forwarded to the Minister;

(*b*) shall be forwarded to each member; and

(*c*) shall be available for public inspection in the office of the College.

Licence to practise

98.—(1) No person shall engage in or hold himself out as engaging in the practice of optometry unless he is licensed under this Part.

Exceptions

(2) Subsection 1 does not apply to,

(*a*) a student enrolled in the School of Optometry at the University of Waterloo who practices optometry as required by the curriculum under the supervision of a member of the faculty or a member of the College;

(*b*) an applicant for a licence under this Part who practises optometry under the personal supervision of a member of the College for the purpose of completing qualifying studies or clinical experience required under this Part.

Proof of practice

(3) For the purposes of subsection 1, proof of the performance of one act in the practice of optometry on one occasion is sufficient to establish engaging in the practice of optometry.

Conflict with other health discipline

(4) A member or person authorized by the regulations may engage in the practice of optometry, notwithstanding that any part of such practice is included in the practice of any other health discipline.

Use of certain drugs prohibited

99. No member shall use drugs in his practice, except such drugs for such purposes as are prescribed by the regulations.

Establishment of committees

100.—(1) The Council shall establish and appoint as hereinafter provided the following committees,

(*a*) Executive Committee;

(*b*) Registration Committee;

(*c*) Complaints Committee;

(*d*) Discipline Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of the Council or any committee, the members remaining in office constitute the Council or committee so long as their number is not fewer than the prescribed quorum.

Executive Committee

101.—(1) The Executive Committee shall be composed of three persons who are members of the Council of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(2) Two members of the Executive Committee constitute a quorum.

Duties

(3) The Executive Committee shall perform such functions of the Council as are delegated to it by the Council, the by-laws or this Part and, subject to ratification by the Council at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or by-law.

Registration Committee

102. -(1) The Registration Committee shall be composed of,

(*a*) two members of the Council of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council; and

(*b*) two members of the College of whom one shall be a member of the faculty of the School of Optometry of the University of Waterloo.

Chairman

(2) The Council shall name one member of the Registration Committee to be chairman.

Quorum

(3) A majority of the members of the Registration Committee constitutes a quorum.

Issuance of licences

103.—(1) The Registrar shall issue a licence to any applicant therefor who is qualified under this Part and the regula-

tions and has passed such examinations as the Council may set or approve, and the Registrar shall refer to the Registration Committee every application for a licence that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and duties of Registration Committee

(2) The Registration Committee,

(*a*) shall determine the eligibility of applicants for licences and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(*b*) may exempt an applicant from any licensing requirement.

Idem

(3) The Registration Committee may direct the Registrar to issue or refuse to issue licences or to issue licences subject to such terms, conditions and limitations as the Committee specifies.

Review of qualifications

(4) The Registration Committee may review the qualifications of any member and may impose a term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Registers of licensees

(5) The Registrar shall maintain one or more registers in which is entered every person who is licensed to practise optometry, identifying the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence and such other information as the Registration Committee or Discipline Committee directs.

Continuance of registration under R.S.O. 1970, c. 335

(6) Every person who was registered as an optometrist under *The Optometry Act*, being chapter 335 of the Revised Statutes of Ontario, 1970, immediately before this Part comes into force shall be deemed to be the holder of a licence under this Part for the unexpired portion of the term of the registration, unless sooner revoked, suspended or cancelled under this Part.

Complaints Committee

104. —(1) The Complaints Committee shall be composed of,

(*a*) three persons who are members of the College;

(*b*) two persons who are members of the Council one of whom was appointed to the Council by the Lieutenant Governor in Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee constitute a quorum.

Duties

105.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the College regarding the conduct or actions of any member of the College, but no action shall be taken by the Committee under subsection 2 unless,

(*a*) a written complaint has been filed with the Registrar and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and

(*b*) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(*a*) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 108; or

(*b*) direct that the matter not be referred under clause *a*; or

(*c*) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Part or the regulations or by-laws.

Decision and reasons

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 8 and, where the decision is made under clause *b* of subsection 2, its reasons therefor.

Discipline Committee

106.—(1) The Discipline Committee shall be composed of,

(*a*) three persons who are members of the College;

(*b*) three persons who are members of the Council, two of whom were appointed to the Council by the Lieutenant Governor in Council.

Quorum and votes

(2) Three or more members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and

all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of lay member

(3) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Chairman

(4) The Council shall name one member of the Discipline Committee to be chairman.

Reference by Council or Executive Committee

(5) Notwithstanding section 105, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member.

Duties of Discipline Committee

107.—(1) The Discipline Committee shall,

(*a*) when so directed by the Council, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any member;

(*b*) hear and determine matters referred to it under section 105, 106 or 109; and

(*c*) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

(*a*) consider the allegations, hear the evidence and ascertain the facts of the case;

(*b*) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(*c*) determine whether in respect of the allegations so proved the member is guilty of professional misconduct or incompetence;

(*d*) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A member may be found guilty of professional misconduct by the Committee if,

(*a*) he has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;

(*b*) he is in contravention of section 99; or

(*c*) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

(*a*) revoke the licence of the member;

(*b*) suspend the licence of the member for a stated period;

(*c*) impose such restrictions on the licence of the member for such a period and subject to such conditions as the Committee designates;

(*d*) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;

(*e*) impose such fine as the Committee considers appropriate to a maximum of $5,000 to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(*f*) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

Costs

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the College reimburse the member for his costs or such portion thereof as the Discipline Committee fixes.

Stay on appeal for incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct

(8) Where the Discipline Committee revokes, suspends or restricts the licence of a member on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee

(9) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member.

Continuation on expiry of Committee membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpretation

108.—(1) In this section,

(*a*) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(*b*) "incapacitated member" means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference to board of inquiry

(2) Where the Registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit

to physical or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his licence be suspended until he complies.

Hearing by Registration Committee

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Registration Committee to hold a hearing and may suspend the member's licence until the determination of the question of his capacity becomes final.

Parties

(5) The College, the person whose capacity is being investigated and any other person specified by the Registration Committee are parties to a proceeding under this section.

Medical evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

(*a*) where the evidence is required by the College, at least five days before the hearing commences; and

(*b*) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of Registration Committee

(7) The Registration Committee shall, after the hearing,

(*a*) make a finding as to whether or not the member is an incapacitated member; and

(*b*) where the member is found to be an incapacitated member, by order,

(i) revoke his licence,

(ii) suspend his licence for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as the Committee considers appropriate.

Procedures

(8) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration and appeals therefrom apply, *mutatis mutandis*, to proceedings of the Registration Committee under this section, except that the decision takes effect immediately notwithstanding that an appeal is taken from the order.

Restoration of licence

109.—(1) A person whose licence has been revoked or suspended for cause under this Part, or registration has been suspended or cancelled for cause under a predecessor of this Part, may apply in writing to the Registrar for the issuance of a licence or removal of the suspension, but such application shall not be made sooner than one year after the revocation or cancellation or, where the suspension is for more than one year, one year after the suspension.

Reference to Discipline Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Registration Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Procedures

(3) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration, except subsection 9 of section 11, apply, *mutatis mutandis*, to proceedings of the Registration Committee and Discipline Committee under this section.

Investigation of members

110.—(1) Where the Registrar believes on reasonable and probable grounds that a member has committed an act of professional misconduct or incompetence, the Registrar may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation

is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

(7) The Registrar shall report the results of the investigation to the Council or the Executive Committee or to such other committee as he considers appropriate. Report of Registrar

111.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 110 and any member of the Council or a Committee shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 110 and shall not communicate any such matters to any other person except, Matters confidential

(*a*) as may be required in connection with the administration of this Part and the regulations and by-laws or any proceedings under this Part or the regulations;

(*b*) as may be required for the enforcement of *The Health Insurance Act, 1972*; 1972, c. 91

(*c*) to his counsel; or

(*d*) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Part or the regulations or by-laws. Testimony in civil suit

112.—(1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit. Restraining orders

(2) An appeal lies to the Supreme Court from an order made under subsection 1. Appeal

113.—(1) Nothing in this Part applies to the practice of ophthalmic dispensing by an ophthalmic dispenser registered under *The Ophthalmic Dispensers Act*. Exemption under R.S.O. 1970, c. 334

Retail merchants

(2) Nothing in this Part prevents,

(*a*) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic lens, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye; or

(*b*) the sale or offering for sale by a retail merchant at his place of business of spectacles or eyeglasses,

but the Lieutenant Governor in Council may make regulations governing or restricting the sale or offering for sale referred to in clause *b* and prescribing the terms and conditions thereof and designating the nature and kind of spectacles and eyeglasses that may be sold under this subsection.

Penalties

114.—(1) Every person who is in contravention of section 98 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $2,000 and for each subsequent offence to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem

(2) Every person who, not being a member, uses an occupational designation prescribed by the regulations to be used by members or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $1,000 and for each subsequent offence to a fine of not more than $2,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 110 in the course of his duties is guilty of an offence and on summary conviction is liable to a fine not exceeding $2,000.

Act, repealed

115.—(1) *The Optometry Act*, being chapter 335 of the Revised Statutes of Ontario, 1970, is repealed.

References

(2) Any reference in any Act to an optometrist registered under *The Optometry Act* shall be deemed to be a reference to an optometrist licensed under this Part and any reference to *The Optometry Act* shall be deemed to be a reference to this Part.

PART VI

PHARMACY

Interpretation

116.—(1) In this Part,

(*a*) "by-laws" means the by-laws made under this Part;

(*b*) "College" means the Ontario College of Pharmacists;

(*c*) "Council" means the Council of the College;

(*d*) "drug" means any substance or preparation containing any substance,

(i) manufactured, sold or represented for use in,

1. the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical or mental state or the symptoms thereof, in humans, animals or fowl, or

2. restoring, correcting or modifying functions in humans, animals or fowl,

(ii) referred to in Schedule C, D, E, F, G or N,

(iii) listed in a publication named by the regulations, or

(iv) named in the regulations,

but does not include,

(v) any substance or preparation referred to in sub-clause i, ii or iii manufactured, offered for sale or sold as, or as part of, a food, drink or cosmetic,

(vi) any medicine registered under the *Proprietary or Patent Medicine Act* (Canada) and sold in accordance with its provisions, or R.S.C. 1970, c. P-25

(vii) a substance or preparation named in Schedule A or B;

(*e*) "interchangeable pharmaceutical product" means a product containing a drug or drugs in the same

amounts of the same active ingredients in the same dosage form as that directed by a prescription;

(*f*) "intern" means a person who is registered under this Part as an intern;

(*g*) "licence" means a licence to act as a pharmacist issued under this Part;

(*h*) "member" means a member of the College;

(*i*) "Parcost C.D.I." means the Parcost Comparative Drug Index prescribed by the regulations;

(*j*) "pharmacist" means a person who is licensed under this Part as a pharmacist;

(*k*) "pharmacy" means a premises in or in part of which prescriptions are compounded and dispensed for the public or drugs are sold by retail;

(*l*) "prescriber" means a person who is authorized to give a prescription within the scope of his practice of a health discipline or profession;

(*m*) "prescription" means a direction from a prescriber directing the dispensing of any drug or mixture of drugs for a designated person or animal;

(*n*) "register" means a register maintained by the Registrar under this Part;

(*o*) "registered pharmacy student" means a person who is registered under this Part as a pharmacy student;

(*p*) "Registrar" means the Registrar of the College;

(*q*) "registration" means a registration as an intern or registered pharmacy student and "registered" has a corresponding meaning;

(*r*) "regulations" mean the regulations made under this Part.

Schedules (2) A reference in this Part to Schedules A, B, C, D, E, F, G or N is a reference to such Schedule established by the regulations for the purposes of this Part.

Health discipline (3) The practice of a pharmacist is a health discipline to which this Part applies.

Application of Part **117.**—(1) This Part does not apply to,

(*a*) drugs compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber for persons under health care provided by such hospital or health or custodial institution;

(*b*) the selling of,

(i) any substance registered under the *Pest Control Products Act* (Canada) and sold in accordance with its provisions, R.S.C. 1970, c. P-10

(ii) any feeding stuffs registered under the *Feeds Act* (Canada) and sold in accordance with its provisions, R.S.C. 1970, c. F-7

(iii) a drug by a person licensed under *The Live Stock Medicines Act, 1973*; 1973, c. 80

(*c*) the practice of a veterinarian under *The Veterinarians Act*. R.S.O. 1970, c. 480

Idem (2) Nothing in this Part prevents any person from selling or dispensing a drug to a person authorized under this Act to dispense, prescribe or administer drugs.

THE ONTARIO COLLEGE OF PHARMACISTS

Ontario College of Pharmacy continued **118.**—(1) The Ontario College of Pharmacy is continued as the Ontario College of Pharmacists, being a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Part.

Objects (2) The objects of the College are,

(*a*) to regulate the practice of pharmacists and to govern its members in accordance with this Act, the the regulations and the by-laws;

(*b*) to establish, maintain and develop standards of knowledge and skill among its members;

(*c*) to establish, maintain and develop standards of qualification and practice for the practice of pharmacists;

(*d*) to establish, maintain and develop standards of professional ethics among its members;

(*e*) to establish, maintain and develop standards for the operation of pharmacies;

(*f*) to administer this Part and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act,

in order that the public interest may be served and protected.

Membership in the College

119.—(1) Every person licensed by the College is a member of the College subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Cancellation for default of fees

(3) The Council may cancel a licence for non-payment of any prescribed fee after the member has been given at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Council of the College

120.—(1) The Council of the Ontario College of Pharmacy is continued and shall be the governing body and board of directors of the Ontario College of Pharmacists and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(*a*) not fewer than thirteen and not more than nineteen persons who are members and are elected by the members in the manner provided by the regulations;

(*b*) not fewer than four and not more than six persons who are not members of a Council under this Act or registered or licensed under this or any other Act governing a health practice, and who are appointed by the Lieutenant Governor in Council; and

(*c*) the dean of each faculty of pharmacy in Ontario or, in his absence, a representative who is a member of the faculty and of the College appointed by the dean.

Remuneration of lay members

(3) The persons appointed under clause *b* of subsection 2 shall be paid, out of moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Expiration of appointment

(4) The appointment of every person appointed under subsection 2 expires at the first regular meeting of the Council following the election of members to Council held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment.

Qualifications to vote

(5) Every member who is,

(*a*) resident in Ontario; and

(*b*) not in default of payment of the annual fee prescribed by the regulations,

is qualified to vote at an election of members of the Council.

President, and Vice-President

(6) The Council shall elect a President and Vice-President from among its members.

Registrar and staff

(7) The Council shall appoint during pleasure a Registrar and may appoint a deputy registrar who shall have the powers of the Registrar for the purposes of this Part, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the College.

Quorum

(8) A majority of the members of the Council constitutes a quorum.

Meetings of Council

(9) The Council shall meet at least twice a year.

Continuation of Council members under R.S.O. 1970, c. 348

(10) The members of the Council of the Ontario College of Pharmacy who were elected under *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970 and were in office immediately before this Part comes into force shall continue in office and shall be deemed to be the members referred to in clause *a* of subsection 2 until the expiration of the term for which they were elected or until the office otherwise becomes vacant.

Powers of Minister

121. In addition to his powers and duties under Part 1, the Minister may,

(*a*) review the activities of the Council;

(*b*) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(*c*) advise the Council with respect to the implementation of this Part and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

122.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

(*a*) fixing the number of members to be elected to the Council and establishing the regional and other representation for elections;

(*b*) respecting and governing the qualifications, nomination, election and term of office of the members to be elected to the Council, and controverted elections;

(*c*) prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

(*d*) respecting any matter ancillary to the provisions of this Part with regard to the issuing, suspension and revocation of licences and registrations;

(*e*) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;

(*f*) prescribing the qualifications for and conditions of registration of students and interns and governing in-service training for students and interns;

(*g*) providing for the maintenance and inspection of registers;

(*h*) governing standards of practice for the profession;

(*i*) respecting the advertising of professional services;

(*j*) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to pharmacies and the practice of pharmacists and providing for the examination and audit of such books and records as the regulations prescribe;

(*k*) regulating advertising by members;

(*l*) providing for the designation of honorary members of the College and prescribing their rights and privileges;

(*m*) prohibiting practice by pharmacists where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

(*n*) defining professional misconduct for the purposes of this Part;

(*o*) providing for a program of continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;

(*p*) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups or associations of members in respect of their practices;

(*q*) respecting the reporting and publication of decisions in disciplinary matters;

(*r*) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;

(*s*) respecting the duties and authority of the Registrar;

(*t*) requiring the payment of annual fees by members, students and interns and fees for licensing, registration, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

(*u*) prescribing forms and providing for their use;

(*v*) providing for the exemption of any member from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

Amendment of electoral divisions

(2) The number of members to be elected to the Council and the electoral divisions and other representation fixed and established under clause *a* of subsection 1 shall not be altered or amended more than once in any five year period.

By-laws

123.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

(*a*) prescribing the seal of the College;

(*b*) providing for the execution of documents by the College;

(*c*) respecting banking and finance;

(*d*) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

(*e*) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in those offices, and prescribing the duties of the President and Vice-President;

(*f*) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

(*g*) respecting the calling, holding and conducting of meetings of the membership of the College;

(*h*) prescribing the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

(*i*) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;

(*j*) delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;

(*k*) providing for a code of ethics;

(*l*) providing for the appointment of inspectors for the purposes of this Part;

(*m*) prescribing forms and providing for their use;

(*n*) providing procedures for the making, amending and revoking of the by-laws;

(*o*) respecting management of the property of the College;

(*p*) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;

(*q*) providing for the entering into arrangements by the College for its members respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by members and exempting members or any class thereof from all or part of any such levy;

(*r*) respecting membership of the College in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;

(*s*) authorizing the making of grants for any purpose that may tend to advance scientific knowledge or pharmacy education, or maintain or improve the standards of practice in pharmacy or to support and encourage public information and interest in the past and present role of pharmacy in society;

(*t*) respecting all of the things that are considered necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

Distribution of by-laws

(2) A copy of the by-laws made under subsection 1 and amendments thereto,

(*a*) shall be forwarded to the Minister;

(*b*) shall be forwarded to each member; and

(*c*) shall be available for public inspection in the office of the College.

Licence to act as pharmacist

124.—(1) Except as provided in this Part, no person shall act or hold himself out as acting as a pharmacist unless he is licensed under this Part.

Use of titles

(2) Any person who, in making or purporting to make a retail sale of a drug or substance in Schedule A or B, uses or associates therewith the title or designation of,

(*a*) pharmacist;

(*b*) pharmaceutical chemist;

(*c*) chemist;

(*d*) druggist;

(*e*) apothecary,

whether or not in combination with each other or with any other term shall be deemed to be holding himself out as acting as a pharmacist for the purposes of subsection 1.

Conflict with other health discipline

(3) A licence shall be deemed to authorize a member to act as a pharmacist under this Part, notwithstanding that such action is included in the practice of any other health discipline.

Establishment of committees

125.—(1) The Council shall establish and appoint as hereinafter provided the following committees,

(*a*) Executive Committee;

(*b*) Accreditation Committee;

(*c*) Registration Committee;

(*d*) Complaints Committee;

(*e*) Discipline Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of the Council or any committee, the members remaining in office constitute the Council or committee so long as their number is not fewer than the prescribed quorum.

Completing quorum

(3) Where the persons attending a meeting of any Committee duly called fail to constitute a quorum, the President may appoint such members of the Council as are required to complete the quorum to attend the meeting and act as a member of the Committee for the purposes of the meeting.

Executive Committee

126.—(1) The Executive Committee shall be composed of,

(*a*) the President, who shall be chairman of the Committee;

(*b*) the Vice-President; and

(*c*) three members of the Council appointed by the Council, one of whom shall be the immediate past president, if he is a member of Council, and one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(2) A majority of the members of the Executive Committee constitutes a quorum.

Duties

(3) The Executive Committee shall perform such functions of the Council as are delegated to it by the Council, the by-laws or this Part and, subject to ratification by the Council at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or by-law.

Registration Committee

127.—(1) The Registration Committee shall be composed of,

(*a*) one member of the Council who is the dean of a faculty of pharmacy, or his representative on the Council;

(*b*) two members of the Council who were elected to the Council; and

(*c*) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.

Chairman

(2) The Council shall name one member of the Registration Committee to be chairman.

Quorum

(3) A majority of the members of the Registration Committee constitutes a quorum.

Licences and registrations

128.—(1) The Registrar shall issue a licence or registration to any applicant therefor who is qualified under this Part and the regulations and has passed such examinations as the Council may set or approve, and the Registrar shall refer to the Registration Committee every application for a licence or registration that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and duties of Registration Committee

(2) The Registration Committee,

(*a*) shall determine the eligibility of applicants for licences and registrations and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(*b*) may exempt an applicant from any admission requirement.

Conditions of licences

(3) The Registration Committee may direct the Registrar to issue or refuse to issue licences or make or refuse to make registrations or to issue licences and make registrations subject to such terms, conditions and limitations as the Committee specifies.

Review of qualifications

(4) The Registration Committee may review the qualifications of any member and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Registers of licencees

(5) The Registrar shall maintain one or more registers in which is entered every person who is licensed or registered under this Part, identifying the terms, conditions and limitations attached to the licence or registration, and shall note on the register every revocation, suspension and cancellation or termination of a licence or registration and such other information as the Registration Committee or Discipline Committee directs.

Continuation of licences R.S.O. 1970, c. 348

(6) Every licence and registration issued or made under *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, and in effect immediately before this Part comes into force continues in the same manner as if issued or made under this Part.

Accreditation Committee

129.—(1) The Accreditation Committee shall be composed of,

(*a*) three members of the Council who were elected to the Council; and

(*b*) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council,

and shall exercise the powers and carry out the duties assigned to it under sections 138 and 139.

(2) No person who is a member of the Discipline Committee shall be a member of the Accreditation Committee. Idem

(3) The Council shall name one member of the Accreditation Committee to be chairman. Chairman

(4) A majority of the members of the Accreditation Committee constitutes a quorum. Quorum

130.—(1) The Complaints Committee shall be composed of, Complaints Committee

(*a*) three members of the Council who were elected to the Council; and

(*b*) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee. Idem

(3) The Council shall name one member of the Complaints Committee to be chairman. Chairman

(4) A majority of the members of the Complaints Committee constitutes a quorum. Quorum

131.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the College regarding the conduct or actions of any member of the College, but no action shall be taken by the Committee under subsection 2 unless, Duties

(*a*) a written complaint has been filed with the Registrar and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and

(*b*) the Committe has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it receives may, Idem

(*a*) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 134; or

(*b*) direct that the matter not be referred under clause *a*; or

(*c*) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Part or the regulations or by-laws.

Decision and reasons

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 8 and, where the decision is made under clause *b* of subsection 2, its reasons therefor.

Discipline Committee

132.—(1) The Discipline Committee shall be composed of,

(*a*) four members of the Council who were elected to the Council; and

(*b*) one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.

Quorum and votes

(2) Three or more members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of lay member

(3) Where the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Chairman

(4) The Council shall name one member of the Discipline Committee to be chairman.

Reference by Council or Executive Committee

(5) Notwithstanding section 131, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member.

Duties of Discipline Committee

133.—(1) The Discipline Committee shall,

(*a*) when so directed by the Council, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any member;

(*b*) hear and determine matters referred to it under section 131, 132, 135 or 139; and

(*c*) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

(*a*) consider the allegations, hear the evidence and ascertain the facts of the case;

(*b*) determine whether upon the evidence and the facts so ascertained the allegations have been proved;

(*c*) determine whether in respect of the allegations so proved the member is guilty of professional misconduct or incompetence;

(*d*) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A member may be found guilty of professional misconduct by the Committee if,

(*a*) he has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;

(*b*) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public he serves of a nature or to an extent that demonstrates he is unfit to carry out the responsibilities of a pharmacist.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

(*a*) revoke the licence of the member;

(*b*) suspend the licence of the member for a stated period not exceeding twelve months;

(*c*) impose such restrictions on the licence of the member for such a period and subject to such conditions as the Committee designates;

(*d*) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;

(*e*) impose such fine as the Committee considers appropriate to a maximum of $5,000 to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(*f*) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

Costs

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the College reimburse the member for his costs or such portion thereof as the Discipline Committee fixes.

Stay on appeal for incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on appeal for professional misconduct

(8) Where the Discipline Committee revokes, suspends or restricts the licence of a member on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of decision of Discipline Committee

(9) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member.

Continuation on expiry of Committee membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpretation

134.—(1) In this section,

(*a*) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(*b*) "incapacitated member" means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member that he no longer be permitted to practise as a pharmacist or that his practice be restricted.

Reference to board of inquiry

(2) Where the Registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and

report to the Executive Committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the Executive Committee on the recommendation of the board may order that his licence be suspended until he complies.

Hearing by Registration Committee

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Registration Committee to hold a hearing and the Executive Committee may, on the recommendation of the Registration Committee, suspend the member's licence until the determination of the question of his capacity becomes final.

Parties

(5) The College, the person whose capacity is being investigated and any other person specified by the Committee are parties to a proceeding under this section.

Medical evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

(*a*) where the evidence is required by the College, at least five days before the hearing commences; and

(*b*) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

Powers of Registration Committee

(7) The Registration Committee shall, after the hearing,

(*a*) make a finding as to whether or not the member is an incapacitated member; and

(*b*) where the member is found to be an incapacitated member, by order,

(i) revoke his licence,

(ii) suspend his licence for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as the Committee considers appropriate.

Notice of orders

(8) The Registrar may give notice of an order made under this section to such persons as he considers appropriate in the public interest.

Procedures

(9) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration and appeals therefrom apply, *mutatis mutandis*, to proceedings of the Registration Committee under this section, except that the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Restoration of licence

135.—(1) A person whose licence has been revoked for cause under this Part, or registration has been suspended or cancelled for cause under a predecessor of this Part, may apply in writing to the Registrar for the issuance of a licence or removal of the suspension, but such application shall not be made sooner than one year after the revocation or cancellation or, where the suspension is for more than one year, one year after the suspension.

Reference to Discipline Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Registration Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Procedures

(3) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration, except subsection 9 of section 11, apply, *mutatis mutandis*, to proceedings

of the Registration Committee and Discipline Committee under this section.

Direction by Council to issue licence

(4) Notwithstanding subsections 1, 2 and 3, the Council or the Executive Committee may direct at any time that a licence be issued to a person whose licence has previously been revoked for cause or a suspension for cause be removed, subject to such terms, conditions or limitations as the Council or Executive Committee, as the case may be, considers appropriate.

Investigation of members

136.—(1) Where the Registrar believes on reasonable and probable gounds that a member has committed an act of professional misconduct or incompetence the Registrar may by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with

such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of Registrar

(7) The Registrar shall report the results of the investigation to the Council or the Executive Committee or such other committee as he considers appropriate.

Matters confidential

137.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 136, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Part and the regulations and by-laws or any proceedings under this Part or the regulations;

1972, c. 91

(*b*) as may be required for the enforcement of *The Health Insurance Act, 1972*;

(*c*) to his counsel; or

(*d*) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Part or the regulations or by-laws. Testimony in civil suit

PHARMACIES

138.—(1) No person shall establish or operate a pharmacy unless a certificate of accreditation has been issued in respect thereof. Certificates of accreditation

(2) The Registrar shall issue a certificate of accreditation and renewals thereof to any applicant therefor where the applicant and the pharmacy and its proposed operation qualify under this Part and the regulations and shall refer to the Accreditation Committee every application for a certificate or renewal that he proposes to refuse or to which he considers terms, conditions or limitations should be attached. Issuance

(3) The Accreditation Committee shall determine the eligibility of the applicant and the pharmacy or proposed pharmacy and its operation and may direct the Registrar to issue or refuse to issue the accreditation certificate or to issue the accreditation certificate subject to such terms, conditions or limitations as the Committee directs. Accreditation Committee

(4) The provisions of Part I applying to hearings, review and appeals in respect of proceedings of the Registration Committee apply, *mutatis mutandis*, in respect of proceedings of the Accreditation Committee. Procedures

(5) Every certificate of accreditation issued under *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970, and in effect immediately before this Part comes into force continues in the same manner as if issued under this Part. Continuation of certificates R.S.O. 1970, c. 348

139.—(1) Where the Accreditation Committee has reason to believe that a pharmacy or its operation fails to conform to the requirements of this Part and the regulations or to any term, condition or limitation to which its certificate of accreditation is subject, the Committee may refer the matter to the Discipline Committee for a hearing and determination. Revocation of certificate of accreditation

(2) Where the Accreditation Committee refers a matter to the Discipline Committee and the Discipline Committee finds Powers of Discipline Committee

that a pharmacy or its operation fails to conform to the requirements of this Part and the regulations or to any term, condition or limitation to which its certificate of accreditation is subject, the Discipline Committee may,

(*a*) suspend the certificate of accreditation for a stated period; or

(*b*) revoke the certificate of accreditation.

Procedures

(3) The provisions of Part I and this Part applying to proceedings before the Discipline Committee in respect of professional misconduct and appeals therefrom apply to the proceedings before the Discipline Committee under this section.

Cancellation for non-payment of fee

(4) The Council may cancel a certificate of accreditation for non-payment of the prescribed fee after the person operating the pharmacy has been given at least two months notice of default and intention to cancel.

Closing of pharmacy

140. Every person who permanently closes a pharmacy shall immediately remove all signs and symbols relating to the practice of pharmacy either within or outside the premises, shall remove and dispose of all drugs according to law and shall submit in writing to the Registrar such information and within such time as the regulations prescribe.

Operation of pharmacies by corporation

141.—(1) No corporation shall own or operate a pharmacy unless the majority of the directors of the corporation are pharmacists.

Idem

(2) No corporation shall own or operate a pharmacy unless a majority of each class of shares of the corporation is owned by and registered in the name of pharmacists.

Application of subs. 2

(3) For the purposes of subsection 2, shares registered in the name of the personal representative of a deceased pharmacist shall, for a period not exceeding four years, be considered to be registered in the name of a pharmacist.

Idem

(4) Subsection 2 does not apply to any corporation operating a pharmacy on the 14th day of May, 1954.

Application of section

(5) This section does not apply to the operation of a pharmacy by a non-profit corporation having as its objects and providing health services by members of more than one health discipline.

Where licence revoked

142. No person whose licence as a pharmacist has been revoked for cause or while his licence is suspended for cause,

(*a*) shall be employed or work in a pharmacy; or

(*b*) shall act as a director or vote as a shareholder in a corporation operating a pharmacy.

Ownership of pharmacies

143.—(1) No person other than a pharmacist or a corporation complying with the requirements of section 141 shall own or operate a pharmacy.

Idem

(2) For the purposes of the ownership of a pharmacy, or for the purposes of the composition of the board of directors or ownership of shares of a corporation as required by section 141, the right to operate the pharmacy shall not be affected by,

(*a*) any suspension of the licence of a pharmacist; or

(*b*) the revocation of the licence of a pharmacist until after a period of six months has elapsed.

Carrying on business of bankrupt person

144.—(1) Where a person owning and operating a pharmacy becomes bankrupt, insolvent or makes an assignment for the benefit of creditors, he shall so notify the Registrar and the trustee in bankruptcy, liquidator or assignee, as the case may be, may own and operate the pharmacy for the purposes of the bankruptcy, insolvency or assignment.

Carrying on business of deceased person

(2) Upon the death of a pharmacist who was owning and operating a pharmacy at the time of his death, the personal representative of such deceased person may own and operate the pharmacy for a period of four years or for such further period as the Council may authorize.

Notification to Registrar

(3) Every person authorized to own and operate a pharmacy under subsection 1 or 2 shall immediately upon becoming so authorized file with the Registrar evidence of his authority

Supervision of pharmacist

145.—(1) No person shall operate a pharmacy unless,

(*a*) it is under the supervision of a pharmacist who is physically present; and

(*b*) it is managed by a pharmacist so designated by the owner of the pharmacy.

Exception

(2) Where the drugs in a pharmacy are restricted to a part of the pharmacy that is not accessible to the public in accordance with the regulations, and while such part is not in operation, clause *a* of subsection 1 does not apply to the remaining premises of the pharmacy.

Displaying licence

(3) Every pharmacist practising in a pharmacy shall publicly display his licence in the pharmacy except during such period, if any, as the licence is under suspension.

Designations

146. No person shall in connection with a retail business use the designation,

(*a*) drug store;

(*b*) pharmacy;

(*c*) drug department;

(*d*) drug sundries;

(*e*) drug or drugs;

(*f*) drug mart; or

(*g*) medicines,

unless the business is an accredited pharmacy.

Inspection of premises

147.—(1) An inspector appointed under a by-law may enter any pharmacy or other shop in the performance of his duties under this Part at all reasonable times.

Inspection of records

(2) Any record required to be kept under this Part shall be open to inspection by any inspector appointed under a by-law.

DRUGS

Dispensing of drugs

148.—(1) Subject to section 153, no person other than a pharmacist or an intern or a registered pharmacy student acting under the supervision of a pharmacist who is physically present shall compound, dispense or sell any drug in a pharmacy.

Exception for certain drugs

(2) Where a pharmacist or an intern is present in the pharmacy and is available to the purchaser for consultation, subsection 1 does not apply to the sale in a pharmacy of a drug other than,

(*a*) a drug requiring a prescription for sale;

(*b*) a drug referred to in Part I of Schedule D; or

(*c*) a drug referred to in Schedule C.

Misrepresentation

149. No person shall knowingly sell any drug under the representation or pretence that it is a particular drug that it is not, or contains any substance that it does not.

Labelling of Sched. D drugs

150.—(1) No person shall sell a drug listed in Schedule D unless it is labelled in accordance with the regulations.

Record of poisons

(2) No person shall sell by retail a drug listed in Part I of Schedule D unless a record of the sale is made in such manner as the regulations prescribe.

(3) Subsections 1 and 2 do not apply to a drug when it is dispensed pursuant to a prescription or forms part of the ingredients of a prescription. Exception

151. Drugs referred to in Schedules D, E, F, G and N shall be sent through the mail only by registered mail. Mailing of drugs

152. The manager of every pharmacy shall keep or cause to be kept a record of every purchase and sale of a drug referred to in Schedule G or N in such form or manner as the regulations may prescribe. Records of pharmacy

153.—(1) No person shall sell by retail a substance listed in Schedule B unless it is labelled in accordance with the regulations. Sale of Sched. B drugs

(2) No person other than a pharmacist shall sell by retail a substance listed in Schedule B for the prevention or treatment of an ailment, disease or physical disorder, unless it is sold in the container in which it was received by the seller. Idem

154.—(1) Subject to the regulations, no person shall sell by retail any drug referred to in Schedule E, F, G or N, except on prescription given in such form, in such manner and under such conditions as the regulations prescribe. Prescription drugs

(2) Subsection 1 does not apply to drugs referred to in Part II of Schedule F that are sold in a container labelled by the manufacturer as for veterinary or agricultural use or sold in a form unsuitable for human use. Exception

155.—(1) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is recorded on the prescription, Information noted on prescription

(*a*) the name and address of the person for whom the drug is prescribed;

(*b*) the name, strength (where applicable) and quantity of the prescribed drug;

(*c*) the directions for use, as prescribed;

(*d*) the name and address of the prescriber;

(*e*) the identity of the manufacturer of the drug dispensed;

(*f*) an identification number or other designation;

(*g*) the signature of the person dispensing the drug and, where different, also the signature of the person receiving a verbal prescription;

(*h*) the date on which the drug is dispensed;

(*i*) the price charged.

Retention of records

(2) The records required under subsection 1 shall be retained for not less than six years.

Identification markings

(3) The container in which the drug is dispensed shall be marked with,

(*a*) the identification number that is on the prescription;

(*b*) the name, address and telephone number of the pharmacy in which the prescription is dispensed;

(*c*) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;

(*d*) the quantity where the drug dispensed is in solid oral dosage form;

(*e*) the name of the owner of the pharmacy;

(*f*) the date the prescription is dispensed;

(*g*) the name of the prescriber;

(*h*) the name of the person for whom it is prescribed;

(*i*) the directions for use as prescribed.

Copy of prescription

156.—(1) Every person in respect of whom a prescription is presented to a pharmacist to be dispensed, unless otherwise directed by the prescriber, is entitled to have a copy of it marked as such, furnished to him, his agent, or a pharmacist acting on behalf of such person or agent.

Disposal of prescriptions

(2) Prescriptions in a pharmacy that ceases to operate as a pharmacy shall be delivered to the persons, or agents of the persons, who presented the prescription or to another pharmacy that is reasonably readily available to such person or his agent, or failing either, to the College.

Prescription by doctor out of Ontario

157. A pharmacist may dispense a drug pursuant to a written order signed by a physician or dentist licensed to

practise in a province in Canada other than Ontario, if in the professional judgment of the pharmacist the patient requires the drug immediately, but such order shall not be refilled.

Substitution of interchangeable product

158.—(1) Every person who dispenses a prescription may, unless otherwise directed by the prescriber, select and dispense an interchangeable pharmaceutical product other than the one prescribed, if the interchangeable pharmaceutical product dispensed is listed as interchangeable in the Parcost C.D.I., and is lower in cost than the drug prescribed.

Generic description

(2) Where a drug prescribed is listed in the Parcost C.D.I. and the identity of the manufacturer is not specified by the prescriber every person who dispenses a prescription shall select and dispense an interchangeable pharmaceutical product listed in the Parcost C.D.I.

Cost

(3) No person shall knowingly supply an interchangeable product under subsection 1 or 2 at a price in excess of the cost of the lowest priced interchangeable pharmaceutical product in his inventory and the maximum dispensing fee as set out in the Parcost C.D.I.

No liability for substitution

(4) No action or other proceeding lies or shall be instituted against a prescriber or pharmacist on the grounds that an interchangeable pharmaceutical product other than the one prescribed was dispensed in accordance with this section.

Reports by pharmacists

159.—(1) Every person who operates or manages a pharmacy shall provide the Minister with such information from records required to be kept under section 155 as the Minister requests.

Reports by Registrar

(2) The Registrar shall provide the Minister with such information respecting substances referred to in the Schedules, except Schedule A, as the Registrar possesses and the Minister requests.

Sale of drugs by wholesale

160.—(1) No person shall sell by wholesale any drug for the purpose of sale by retail to any person who is not entitled to sell the drug by retail.

Registration by wholesalers

(2) Every person supplying drugs by wholesale in Ontario shall register with the College as a drug wholesaler and furnish the Registrar with a signed statement showing,

(*a*) his full name and address, or if a corporation the name of the corporation, the names and addresses of the president and directors thereof;

(*b*) the principal business address,

and with respect to his places of business where drugs are handled,

(*c*) the address of each place of business, agent or representative in Ontario;

(*d*) the name of the manager or person responsible for each place of business in Ontario;

(*e*) the date on which he proposes to commence business at each new location in Ontario.

Furnishing of information

(3) The information required by subsection 2 shall be furnished within thirty days after this Part comes into force and thereafter at least seven days before commencing business and any change in the information required by subsection 2 shall be furnished to the Registrar within seven days of the change.

Regulations

161.—(1) Subject to the approval of the Lieutenant Governor in Council, the Council may make regulations,

(*a*) prescribing the substances that are included in Schedules A, B, C, D, E, F, G and N for the purpose of this Part;

(*b*) naming substances for the purposes of clause *d* of subsection 1 of section 116 and specifying the provisions of this Part that shall apply in respect of such substances;

(*c*) naming publications for the purposes of clause *d* of subsection 1 of section 116;

(*d*) prescribing the percentage of any substance to be contained in any preparation referred to in any Schedule;

(*e*) prescribing the manner in which prescriptions shall be given in respect of the drugs referred to in Schedules E, F, G and N and the conditions under which such prescriptions may be given;

(*f*) authorizing the refilling of prescriptions without further prescription and prescribing the conditions under which prescriptions may be refilled without further prescription;

(*g*) prescribing the manner in which records shall be kept of the purchase and sale of the drugs referred to in Schedules D, G and N;

(*h*) pertaining to the transfer of prescriptions and the records to be kept by the transferor and the transferee;

(*i*) designating substances listed in Schedule D that may be sold by persons not otherwise authorized under this Part and authorizing the sale of such substances by any persons or classes of persons not otherwise authorized under this Part and prescribing the conditions under which such substances shall be sold by such persons or classes of persons;

(*j*) prescribing the labelling of substances listed in Schedule B for the purposes of section 153;

(*k*) providing for the establishment and maintenance of patient record systems;

(*l*) prescribing the types of containers to be used for containing any drug and the designs, specifications and labelling of containers used for containing any drug;

(*m*) prescribing standards for accreditation of pharmacies including their operation and the maintenance, space, equipment and facilities required therefor;

(*n*) providing for applications for certificates of accreditation of pharmacies, and the issuance of such certificates and their expiration and renewal and requiring the payment of fees therefor and prescribing the amounts thereof;

(*o*) providing for the filing with the Registrar of information respecting the location of the place of practice and the residential address of pharmacists, the name and address of pharmacies in the Province of Ontario including the name and address of the owner and the manager of such pharmacies, and any changes therein, and the form of such information and the time of filing;

(*p*) providing for the information, instruments or documents to be filed with the Registrar by persons opening, acquiring, relocating or closing a pharmacy, the form thereof and the time of filing;

(*q*) prescribing standards for the subdivision of premises so that drugs are restricted to a specified area and

so that the part of the premises to which the drugs are restricted may be rendered not accessible to the public, while the other part remains open;

(*r*) regulating the handling, location and storage of drugs in a pharmacy.

Idem

(2) The Lieutenant Governor in Council may make regulations,

(*a*) regulating the use of containers in which drugs may be dispensed and designating organizations to test, certify and designate containers that meet standards approved by the Minister for such purposes as may be specified in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed;

(*b*) prescribing the Parcost C.D.I. for the purpose of this Part.

ENFORCEMENT

Restraining orders

162.—(1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Recovery of charges

163. A person who sells any drug in contravention of this Part or the regulations is not entitled to recover any charges in respect thereof.

Surrender of cancelled licence or accreditation certificate

164. Where a licence or certificate of accreditation is revoked or cancelled, the former holder thereof shall forthwith deliver the licence or certificate to the Registrar.

Penalties

165.—(1) Every person who is in contravention of section 124 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $2,000 and for each subsequent offence to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

(2) Every person who not being a member uses an ocupational designation prescribed by the regulations to be used by members or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than $1,000 and for each subsequent offence to a fine of not more than $2,000. Idem

(3) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on summary conviction is liable to a fine not exceeding $2,000. Idem

166.—(1) Every owner or manager of a pharmacy is liable for every offence against this Part committed by any person in his employ or under his supervision with his permission, consent or approval, express or implied, and every director of a corporation operating a pharmacy is liable for every offence against this Part committed by any person in the employ of the corporation with his permission, consent or approval, express or implied. Responsibility of owner and manager

(2) Where any person operates a pharmacy contrary to this Part or the regulations, the owner and manager of such pharmacy, or either of them, or any director of a corporation operating a pharmacy, may be proceeded against, and prosecution or conviction of either of them is not a bar to prosecution or conviction of the other. Idem

167. In any prosecution under this Part, Evidence

(*a*) a certificate as to the analysis of any drug or poison purporting to be signed by a Food and Drug Analyst or Provincial Analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the analyst;

(*b*) any article labelled as containing any drug is admissible in evidence as *prima facie* proof that the article contains the drug described on the label;

(*c*) the label of the container of a drug dispensed pursuant to a prescription is admissible in evidence as *prima facie* proof that the drug named in the prescription was dispensed;

(*d*) evidence that a drug is found in a shop or place in which business is transacted is admissible as *prima facie* proof that it was kept for sale;

(*e*) evidence of the publishing of a sign, title or advertisement containing the name of an establishment or the owner thereof is admissible in evidence as *prima facie* proof that the sign, title or advertisement was published by the owner of the establishment.

Repeals

168.—(1) The following Acts are repealed:

1. *The Pharmacy Act*, being chapter 348 of the Revised Statutes of Ontario, 1970.

2. *The Pharmacy Amendment Act, 1972*, being chapter 99.

3. *The Pharmacy Amendment Act, 1973*, being chapter 126.

References

(2) Any reference in any Act or regulation to a pharmaceutical chemist registered under *The Pharmacy Act* shall be deemed to be a reference to a pharmacist licensed under this Part and any reference to *The Pharmacy Act* shall be deemed to be a reference to this Part.

MISCELLANEOUS

Commencement

169.—(1) This Act, except sections 1 to 5 and sections 7 to 168, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 5 and sections 7 to 168 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

170. This Act may be cited as *The Health Disciplines Act, 1974*.

CHAPTER 48

An Act to provide for the Regulation of Private Vocational Schools

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Private Vocational School Review Board established under this Act;

(*b*) "Minister" means the Minister of Colleges and Universities;

(*c*) "private vocational school" means a school or place at which instruction in any vocation is offered or provided by class room instruction or by correspondence, other than a college of applied arts and technology, a university recognized by the Ministry of Colleges and Universities or a school or course of instruction maintained under any other Act of the Legislature;

(*d*) "regulations" means the regulations made under this Act;

(*e*) "Superintendent" means the Superintendent of private vocational schools appointed under this Act;

(*f*) "vocation" means the skill and knowledge requisite for employment in any vocation prescribed by the regulations.

Superintendent

2.—(1) There shall be a Superintendent of private vocational schools who shall be appointed by the Lieutenant Governor in Council.

Duties

(2) The Superintendent may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act.

Board established

3.—(1) A board to be known as the "Private Vocational School Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council.

Term of Office

(2) No member of the Board shall hold office for more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum.

Expenditures

4. The expenditures necessary for the purposes of the Board shall be payable for the fiscal year ending the 31st day of March, 1975 out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Registration required

5.—(1) No person shall conduct or operate a private vocational school unless he is registered by the Superintendent under this Act.

Expiration of registration

(2) Every registration under this Act expires on the 31st day of December of the year in respect of which the registration is effected.

Registration of private vocational schools

6.—(1) An applicant is entitled to registration or renewal of registration by the Superintendent to conduct or operate a private vocational school and to be issued a certificate of registration except where,

(*a*) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the private vocational school; or

(*b*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on the private vocational school in accordance with law and with integrity and honesty; or

(*c*) the applicant is a corporation and,

(i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the private vocational school, or

(ii) the past conduct of its officers or directors affords reasonable grounds for belief that the private vocational school will not be carried on in accordance with law and with integrity and honesty; or

(*d*) it can reasonably be expected that the course or courses of study or the method of training offered by the private vocational school will not provide the skill and knowledge requisite for employment in the vocation or vocations for which the applicant is offering instruction; or

(*e*) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Conditions of registration

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are imposed by the Board or prescribed by the regulations.

Registration not transferable

(3) A registration is not transferable.

Refusal to register

7.—(1) Subject to section 8, the Superintendent may refuse to register an applicant where in the Superintendent's opinion the applicant is disentitled to registration under section 6.

Revocation and refusal to renew

(2) Subject to section 8, the Superintendent may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Notice of proposal to refuse or revoke

8.—(1) Where the Superintendent proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Board, if he mails or delivers to the Superintendent and the Board within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Powers of Superintendent where no hearing

(3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection 2, the Superintendent may carry out the proposal stated in his notice under subsection 1.

Powers of Board

(4) Where an applicant or registrant requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Superintendent at the hearing, may by order direct the Superintendent to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Superintendent ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Superintendent.

Conditions of order

(5) The Board may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Superintendent, the applicant or registrant who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board under this section.

Oral evidence

(7) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Voluntary cancellation

(8) Notwithstanding subsection 1, the Superintendent may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his certificate of registration.

Continuance pending renewal

(9) Where, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice that the Superintendent proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Board has made its order.

Extension of time

9. The Board may extend the time for requiring a hearing under section 8, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension.

Provisional suspension

10. Notwithstanding subsection 9 of section 8, the Superintendent, by notice to a registrant and without a hearing, may provisionally refuse renewal of or suspend registration of the registrant where in the Superintendent's opinion it is necessary to do so for the immediate protection of the interests of the students of the private vocational school and the Superintendent so states in such notice giving his reasons therefor, and thereafter the provisions of section 8 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 8.

Further applications

11. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed.

Appeal to court

12.—(1) Any party to a hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Record to be filed in court

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of court on appeal

(4) The Supreme Court may confirm or alter the decision of the Board or direct the Superintendent to do any act he is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Superintendent or the Board.

Effect of decision of Board pending disposal of appeal

(5) Notwithstanding that an applicant or registrant has appealed under this section from a decision of the Board, unless the Board, or the Supreme Court upon an application, otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Notice of material changes

13. Every private vocational school shall, within five days after the event, notify the Superintendent in writing of,

(*a*) any change in its address for service;

(*b*) any change in the officers or directors in the case of a corporation or of the members in the case of a partnership.

Inspection

14.—(1) The Superintendent, or any person authorized by him in writing, may inspect any private vocational school at any reasonable time to examine the operation thereof, to observe the method of instruction given therein or to inspect the books, records or other documents relating to the operation of the private vocational school including the inspection of any circulars, pamphlets or other material used for advertising the private vocational school.

Obstruction of inspector

(2) No person shall obstruct the Superintendent or a person authorized to make an inspection under subsection 1 or withhold from such a person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection.

Goods or services of students not to be sold

15. No person who owns or operates a private vocational school shall sell or permit to be sold to the public, the goods or services of any student of the school.

Court proceedings

16. No person who owns or operates a private vocational school which is not registered under this Act is capable of maintaining an action or other proceeding in any court in Ontario in respect of any contract made in whole or in part within Ontario, or against any person domiciled in Ontario, in the course of or in connection with the conduct or operation of the private vocational school.

Service

17.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Offences

18.—(1) Every person who,

(*a*) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Limitation

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Superintendent.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Rescission of contract

(5) Any person who enters into a written contract with a private vocational school in respect of a course or courses of instruction may rescind the contract by delivering a notice personally or by registered mail addressed to the private vocational school at the address shown in the contract within two days after the duplicate original copy of the contract first comes into the possession of the person and, where the contract is rescinded, the person shall immediately return any goods received under the contract and the private vocational school shall return any moneys received or realized in respect of the contract.

Certificate as evidence

19.—(1) A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Superintendent;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Superintendent;

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Superintendent is, without proof of the office or signature of the Superintendent, receiv-

able in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of Minister's signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

20.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing vocations to which this Act and the regulations apply;

(*b*) exempting any vocation or class of private vocational school from this Act or the regulations or any provision thereof;

(*c*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*d*) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;

(*e*) requiring registered private vocational schools to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*f*) prescribing further procedures respecting the conduct of matters coming before the Board;

(*g*) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by private vocational schools;

(*h*) requiring private vocational schools to make returns and furnish information to the Superintendent;

(*i*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;

(*j*) prescribing the accommodation and equipment required by private vocational schools and the means of instruction to be used;

(*k*) requiring the approval of the Superintendent for courses of study, requirements for admission, qualifications of teachers, methods of instruction, and premises and equipment used, in connection with a private vocational school;

(*l*) prescribing the minimum number of hours of instruction in any vocation that shall constitute a course of instruction in that vocation;

(*m*) prescribing the maximum fees that shall be paid or received for a course of instruction in a vocation;

(*n*) prescribing the terms and conditions upon which money paid for or on account of instruction in a private vocational school shall be either retained by the payee or be repayable to the payer;

(*o*) prohibiting the use of any advertising relating to a private vocational school that may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the owner of a private vocational school;

(*p*) regulating the selling or offering for sale of any course of instruction offered by a private vocational school;

(*q*) prescribing the amount that may be charged for the material used by or the services supplied to any student of the private vocational school;

(*r*) providing that no certificate or other document as to the competency of any student shall be issued by a private vocational school unless the student has submitted himself to such examination as may be prescribed by the regulations, and prescribing fees for such examination and certificate;

(*s*) prescribing the nature of any examinations for certificates of competency, the manner, times and places of holding such examinations, and the persons who shall sit as examiners;

(*t*) governing the conduct, operation and management of private vocational schools; and

(*u*) prescribing forms and providing for their use.

Adoption by reference

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any publication and may require compliance with any publication that is so adopted.

Repeals

21. The following are repealed:

1. *The Trade Schools Regulation Act*, being chapter 466 of the Revised Statutes of Ontario, 1970.

2. Section 18 of *The Government Reorganization Act, 1972*, being chapter 1.

Commencement

22. This Act comes into force on the 1st day of January, 1975.

Short title

23. This Act may be cited as *The Private Vocational Schools Act, 1974*.

CHAPTER 49

An Act respecting the City of Port Colborne

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Transfer of funds authorized

1. The proceeds of the sale of debentures dated the 15th day of November, 1972, in the amount of $140,000 issued by The Regional Municipality of Niagara under By-law Number 559-507-72 towards the cost of construction of sanitary sewers and house connections on Elm Street and Barrick Road in the City of Port Colborne may, without obtaining the approval of the Ontario Municipal Board, be applied to meet any other capital expenditures of The Corporation of the City of Port Colborne.

Loan authorization

2. A loan shall be granted by the Treasurer of Ontario to The Corporation of the City of Port Colborne under the Federal-Provincial-Municipal Employment Loans Program, 1971, in the amount of $118,150 in connection with the construction of the said sanitary sewers and connections, and, notwithstanding *The Regional Municipality of Niagara Act*, R.S.O. 1970, c. 406 The Regional Municipality of Niagara shall issue a debenture payable to the Treasurer of Ontario in the amount of $87,730 for the said purpose of The Corporation of the City of Port Colborne, repayable in not more than twenty years, by equal annual instalments with semi-annual payment of interest at the rate of 7 per cent per annum, to secure the said loan, less the forgiveness amount of $30,420 under the said Program.

Certificate and order of O.M.B. dispensed with

3. For the purposes of every Act, it shall not be necessary for the Ontario Municipal Board to grant its approval or certificate as to the validity of the debenture issued to the Treasurer of Ontario in the amount of $87,730, and, notwithstanding the previous issue of debentures under By-law Number 559-507-72, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* R.S.O. 1970, c. 323 authorizing The Regional Municipality of Niagara to issue the debenture under section 2.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Port Colborne Act, 1974*.

CHAPTER 50

An Act to amend The Ontario Planning and Development Act, 1973

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 1 (*a*), re-enacted

1. Clause *a* of section 1 of *The Ontario Planning and Development Act, 1973*, being chapter 51, is repealed and the following substituted therefor:

(*a*) "development plan", means a plan, policy and program, or any part thereof, approved by the Lieutenant Governor in Council, covering a development planning area or a portion thereof, as defined therein, designed to promote the optimum economic, social, environmental and physical condition of the area, and consisting of the texts and maps describing the program and policy;

(*aa*) "development planning area" means an area of land in Ontario in respect of which an order is made under section 2.

s. 2 (1), amended

2.—(1) Subsection 1 of section 2 of the said Act is amended by adding at the end thereof "and the Minister may alter the boundaries of the area defined as a development planning area by amendment to the order".

s. 2 (3), re-enacted

(2) Subsection 3 of the said section 2 is repealed and the following substituted therefor:

Order or amending order to be laid before Assembly

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied.

s. 4, re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Consultation with municipalities

4. The Minister shall ensure that the council of each municipality having jurisdiction over any area of land for which a development plan is to be prepared, and any municipality which abuts such area of land, is consulted with respect to the proposed contents of such plan.

s. 6, re-enacted

4. Section 6 of the said Act is repealed and the following substituted therefor:

Proposed development plan to be furnished to municipalities, etc.

6.—(1) In respect of any area of land for which a development plan is to be prepared, the Minister shall cause a proposed development plan to be prepared and shall ensure that,

(*a*) each municipality within such area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to it, as is specified;

(*b*) a notice is published in one or more newspapers having general circulation in such area notifying the public of the proposed development plan, indicating where a copy of the plan together with the material used in preparation thereof mentioned in subsection 5 can be examined and inviting the submission of comments thereon within such period of time, not being less than three months from the time the notice is first published, as is specified; and

(*c*) any advisory committee appointed under section 3 and empowered under that section to make recommendations relating to the preparation and implementation of a development plan covering the area is furnished with a copy of the proposed development plan and invited to make comments thereon within such period of time, not being less than three months from the time the plan is furnished to the committee, as is specified.

Hearing officer

(2) Prior to, upon or after the expiration of time for the making of comments on the proposed development plan, the Minister shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the area or in

the general proximity thereof, for the purpose of receiving representations respecting the contents of the plan by any person desiring to make representations, and separate hearings may be conducted at different times and places for different parts of the planning area.

Notice of hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings as determined under subsection 2, and shall publish notice thereof in one or more newspapers having in his opinion general circulation in the area.

Time of hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of hearing and not before the expiration of the time for the making of comments on the proposed development plan.

Procedure at hearing

(5) At any such hearing, the Minister or any officials of a ministry or any other person that may be approved by the Minister shall present the proposed development plan and the justification therefor and shall make available for public inspection research material, reports, plans and the like that were used in the preparation of such plan and, subject to the rules of procedure adopted by the hearing officer for the conduct of the hearing, the persons presenting the plan may be questioned on any aspect of the plan by any interested person.

Report of hearing officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Minister prescribes, the hearing officer conducting the hearing or hearings shall report to the Minister a summary of the representations made together with a report stating whether the plan should be accepted, rejected or modified, giving his reasons therefor, and separate reports shall be submitted for each part of the planning area for which a hearing or hearings was conducted.

Inspection of report

(7) A copy of the report of the hearing officer, or a copy of each report, if separate hearings were held, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the area, and in such other offices and locations as the Minister determines for inspection by any person desiring to do so.

Submission of proposed plan to Lieutenant Governor in Council

(8) After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the pro-

posed development plan with his recommendations thereon to the Lieutenant Governor in Council.

When report not approved

(9) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report or reports, if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intention, and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

Approval of plan by Lieutenant Governor in Council

(10) The Lieutenant Governor in Council may approve the plan, or may approve the plan with such modifications as the Lieutenant Governor in Council considers desirable, and thereupon the plan is the development plan for the area defined in it.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Planning and Development Amendment Act, 1974*.

CHAPTER 51

An Act to amend The Parkway Belt Planning and Development Act, 1973

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Parkway Belt Planning and Development Act, 1973*, being chapter 53, is repealed and the following substituted therefor: s. 2, re-enacted

2. *The Ontario Planning and Development Act, 1973*, except section 12, applies *mutatis mutandis*, to the Parkway Belt Planning Area, and the Parkway Belt Plan and the Parkway Belt Planning Area shall be deemed to be a development plan and a development planning area respectively within the meaning of that Act. Application of 1973, c. 51

2. Sections 3 and 4 of the said Act are repealed. ss. 3, 4, repealed

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on a day to be named by proclamation of the Lieutenant Governor. Idem

4. This Act may be cited as *The Parkway Belt Planning and Development Amendment Act, 1974*. Short title

CHAPTER 52

An Act to amend The Niagara Escarpment Planning and Development Act, 1973

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding at the end thereof "and the Minister may alter the boundaries of the Planning Area by amendment to the order". s. 3 (1), amended

(2) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3), re-enacted

(3) Where any order or amendment thereto is made under subsection 1, the Minister shall, on the day the order or amending order is made, or as soon thereafter as is practicable, lay the order or amending order before the Assembly if it is in session or, if not, at the commencement of the next ensuing session and the Assembly shall, by resolution, declare the order or amending order approved, revoked or varied. Order or amending order to be laid before Assembly

2.—(1) Subsections 2, 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (2-4), re-enacted

(2) Prior to, upon or after the expiration of the time for the making of comments on the proposed Plan, the Commission shall appoint one or more hearing officers for the purpose of conducting one or more hearings, as the Minister may determine, within the Niagara Escarpment Planning Area or in the general proximity thereof for the purpose of receiving representations respecting the contents of the Plan by any person desiring to make representations and separate hearings may be conducted at different times and places in respect of different parts of the Niagara Escarpment Planning Area. Hearing officer

Notice of hearing

(3) A hearing officer shall fix the time and place for the hearing or hearings, as determined under subsection 2, and shall publish notice thereof in such newspapers having in his opinion general circulation in any area that is within the Niagara Escarpment Planning Area as he considers appropriate.

Time of hearing

(4) The time fixed for any hearing under subsection 3 shall be not sooner than three weeks after the first publication of the notice of the hearing and not before the expiration of the time for making of comments on the proposed Plan.

s. 10 (5), amended

(2) Subsection 5 of the said section 10 is amended by inserting after "Commission" in the first line "or any person appointed by the Commission".

s. 10 (6-10), re-enacted

(3) Subsections 6, 7, 8, 9 and 10 of the said section 10 are repealed and the following substituted therefor:

Report of hearing officer

(6) Not more than three months after the conclusion of the hearing or of the last hearing if more hearings than one are held or within such extended time as the Commission prescribes, the hearing officer conducting the hearing or hearings shall report to the Commission a summary of the representations made together with a report stating whether the Plan should be accepted, rejected or modified, giving his reasons therefor, and shall at the same time furnish the Minister with a copy of the report and separate reports shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held.

Submission of Plan to Minister

(7) After giving consideration to the comments received and the report, or reports if there is more than one, of the hearing officer, the Commission shall submit the proposed Plan with its recommendations thereon to the Minister.

Inspection of proposed Plan and report

(8) A copy of the proposed Plan and the recommendations thereon as submitted to the Minister, together with a copy of the report, or reports if there is more than one, of the hearing officer, shall be made available in the office of the Minister, in the office of the clerk of each municipality, the whole or any part of which is within the Niagara Escarpment Planning Area, and in such other offices and locations as the Minister determines, for inspection by any person desiring to do so.

Submission of proposed Plan to Lieutenant Governor in Council

(9) After having received the proposed Plan from the Commission and after giving consideration to the recommendations of the Commission and the report, or reports if there is more than one, of the hearing officer, the Minister shall sub-

mit the proposed Plan with his recommendations thereon to the Lieutenant Governor in Council.

When report not approved

(10) If the recommendation of the Minister to the Lieutenant Governor in Council is other than that the report, or reports if there is more than one, of the hearing officer, be approved, then the Minister shall give public notice to this effect, state his intentions and a period of twenty-one days allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

3. Section 22 of the said Act is repealed and the following substituted therefor: s. 22, re-enacted

Regulations

22. The Minister may make regulations designating any area or areas of land within the Niagara Escarpment Planning Area as an area of development control.

Interpretation

22*a*.—(1) In this section and in section 23, subsections 1, 3 to 9 and 11 and 12 of section 24 and section 25, "Minister" means the Minister of Housing.

Regulations

(2) The Minister may make regulations,

(*a*) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof; R.S.O. 1970, c. 349

(*b*) providing for the issuance of development permits and prescribing terms and conditions of permits;

(*c*) providing for the exemption of any class or classes of development within any development area from the requirement of obtaining a development permit;

(*d*) prescribing the form of application for a development permit.

4. Subsection 2 of section 24 of the said Act is repealed and the following substituted therefor: s. 24 (2), re-enacted

Limitation on delegation

(2) No delegation shall be made under subsection 1 to a county or a regional municipality or a city, except where the county or regional municipality or city on application therefor, has been designated by order of the Minister as a municipality to which may be delegated the authority to issue development permits under subsection 1, and every such application shall

include a statement of the organizational structure to be established and the administrative procedures intended to be followed.

ss. 26, 27, repealed

5. Sections 26 and 27 of the said Act are repealed.

Commencement

6.—(1) This Act, except section 5, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1974*.

CHAPTER 53

An Act to amend The Planning Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 14 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 4, is further amended by adding thereto the following subsection: s. 14, amended

(3) Notwithstanding subsection 2, the Minister may approve any part of the plan and may from time to time approve additional parts of the plan and such part or parts together as approved from time to time is the official plan of the planning area, provided that nothing herein derogates from the right of any person to request the Minister to refer any part of the plan to the Municipal Board under section 15. Approval by Minister of parts of plan

2. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1), re-enacted

(1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have been approved by the Minister subsequent to the coming into force of this subsection, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, provided that any land so acquired or held may be sold, leased or otherwise disposed of when no longer required. Acquisition of lands in accordance with provisions of official plan

3. Section 24 of the said Act is amended by adding at the end thereof "including the carrying out of studies for the purpose of selecting areas for redevelopment". s. 24, amended

4.—(1) Section 29 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3 and 1973, chapter 168, section 6, is further amended by adding thereto the following subsections: s. 29, amended

Proviso

(1*a*) For the purposes of this section, land shall be deemed and shall always have been deemed not to abut land that is being conveyed or otherwise dealt with if it abuts such land on a horizontal plane only.

. . . . .

Exception

(4*a*) Nothing in subsections 2 and 4 prohibits, and subsections 2 and 4 shall be deemed never to have prohibited, the giving back of a mortgage or charge by a purchaser of land to the vendor of the land as part or all of the consideration for the conveyance of the land, provided that the mortgage or charge applies to all of the land described in the conveyance.

s. 29 (5*c*), re-enacted

(2) Subsection 5*c* of the said section 29, as enacted by the Statutes of Ontario, 1973, chapter 168, section 6, is repealed and the following substituted therefor:

Saving

(5*c*) Subsection 5*b* does not apply to a partial discharge of mortgage or partial cessation of charge where the land described in the partial discharge or partial cessation,

(*a*) is the same land in respect of which a consent to convey has previously been given; or

(*b*) includes only the whole of one or more lots or blocks within a registered plan of subdivision, unless such plan of subdivision has been designated under subsection 3; or

(*c*) is owned by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality, regional municipality, district municipality or county.

s. 33 (5) (*d*), re-enacted

5.—(1) Clause *d* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(*d*) that the owner of the land enter into one or more agreements with the municipality, or, where the land is not in a municipality, with the Minister, dealing with such matters as the Minister may consider necessary, including the provision of municipal services.

s. 33 (6), re-enacted

(2) Subsection 6 of the said section 33, as amended by the Statutes of Ontario, 1973, chapter 168, section 9, is repealed and the following substituted therefor:

(6) Every municipality and the Minister may enter into agreements imposed as a condition to the approval of a plan of subdivision and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land. Subdivision agreements R.S.O. 1970, cc. 409, 234

6. The said Act is amended by adding thereto the following section: s. 37*a*, enacted

37*a*.—(1) In this section, Interpretation

(*a*) "dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;

(*b*) "residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings the use of which is incidental to the use of the main building.

(2) When a by-law under section 36 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless he is the holder of a demolition permit issued by the council under this section. Demolition control areas may be established by by-law

(3) Subject to subsection 6, where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit. Council may issue or refuse to issue permit

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within one month after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final. Appeal to O.M.B.

Notice of appeal

(5) The person appealing to the Municipal Board under subsection 4 shall, in such manner and to such persons as the Municipal Board may direct, give notice of the appeal to the Board.

Application for demolition permit where building permit has been issued

(6) Subject to subsection 7, the council shall on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of demolition permit

(7) A demolition permit under subsection 6 may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on the failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of $20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration of certificate

(8) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection 7, a certificate signed by the clerk setting out the amount of the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to O.M.B.

(9) Where an applicant for a demolition permit under subsection 6 is not satisfied as to the conditions on which the demolition permit is proposed to be issued, he may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Application to council for relief from conditions of demolition permit

(10) Where any person who has obtained a demolition permit under subsection 6 that is subject to conditions under subsection 7 considers that it is not possible to complete the new building within the time specified in the permit or where he is of the opinion that the construction of the new building has become not feasible on economic or other grounds, he may apply to the council of the municipality for relief from the conditions on which the permit was issued, by sending notice of application by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and where the council under subsection 11 extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Powers of council on application

(11) Where an application is made under subsection 10, the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as the council considers appropriate or the council may relieve the person applying from the requirement of constructing the new building.

Appeal to O.M.B.

(12) Any person who has made application to the council under subsection 10, may appeal from the decision of the council to the Municipal Board within fourteen days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Board and the Municipal Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection 11 and the decision of the Board shall be final.

Offence

(13) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $20,000 for each dwelling unit contained in the residential property the whole or any portion of which has been demolished or to imprisonment for a term of not more than six months, or to both

Standards for health and safety remain in force

(14) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situate within an area of demolition control

Certain proceedings stayed

(15) Subject to subsection 14, an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 36 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection 4, until the Municipal Board has heard the appeal and issued its order thereon.

Application of s. 38 (1), par. 8

(16) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in paragraph 7 of subsection 1 of section 38, but the holder of the permit shall comply with the provisions of any by-law passed under that paragraph regulating the removal or wrecking of buildings and structures.

s. 44*a*, re-enacted

7. Section 44*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 118, section 11, is repealed and the following substituted therefor:

Resumption by Minister of matter referred to O.M.B.

44*a*. When under this Act the Minister has referred a matter to the Municipal Board the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

s. 44*b* (1, 2), re-enacted

8. Subsections 1 and 2 of section 44*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 13, are repealed and the following substituted therefor:

Interpretation

(1) Notwithstanding clauses *a* and *g* of section 1, "council" for the purposes of this section and sections 44*c* and 44*d* means,

(*a*) the council of a city, town, village, township or county that has been designated by order of the Treasurer as a municipality to which may be delegated any of the Minister's authority under this Act; and

(*b*) the council of a metropolitan, regional or district municipality.

(2) The Minister on the request of a council may by order delegate to the council any of the Minister's authority under this Act and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. Delegation of Minister's powers

9.—(1) This Act, except subsection 2 of section 4, comes into force on the day it receives Royal Assent. Commencement

(2) Subsection 2 of section 4 shall be deemed to have come into force on the 17th day of December, 1973. Idem

10. This Act may be cited as *The Planning Amendment Act, 1974*. Short title

CHAPTER 54

An Act to amend The Regional Municipality of Sudbury Act, 1972

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor: s. 3 (1), re-enacted

(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: Composition of council

1. The City of Sudbury—Nine aldermen elected by wards.

2. The Town of Capreol—Six councillors elected by wards.

3. The Town of Onaping Falls—Six councillors, one of whom shall be elected by general vote and five elected by wards.

4. The Town of Nickel Centre—Six councillors, one of whom shall be elected by general vote and five elected by wards.

5. The Town of Rayside-Balfour—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town

6. The Town of Valley East—Six councillors, one of whom shall be elected by general vote as a member

of the council of such town and of the Regional Council and five of whom shall be elected by general vote as members of the council of such town.

7. The Town of Walden—Seven councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and six of whom shall be elected by wards as members of the council of such town.

s. 8 (1) (*d*, *e*, *f*), re-enacted

2. Clauses *d*, *e* and *f* of subsection 1 of section 8 of the said Act are repealed and the following substituted therefor:

(*d*) one member of the council of the area municipality of the Town of Rayside-Balfour who has been elected as a member of the Regional Council and of the council of such area municipality;

(*e*) one member of the council of the area municipality of the Town of Valley East who has been elected as a member of the Regional Council and of the council of such area municipality;

(*f*) one member of the council of the area municipality of the Town of Walden who has been elected as a member of the Regional Council and of the council of such area municipality.

s. 33 (3), re-enacted

3. Subsection 3 of section 33 of the said Act is repealed and the following substituted therefor:

Planning areas and subsidiary planning areas dissolved R.S.O. 1970, c. 349

(3) All planning areas and subsidiary planning areas together with the boards thereof included in the Sudbury Planning Area on the 31st day of December, 1972, are hereby deemed to have been dissolved on such date, and no area municipality shall exercise any powers under *The Planning Act*.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

5. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1974*.

CHAPTER 55

An Act respecting Fruits and Vegetables Produce-for-Processing

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Association" means The Ontario Fruit and Vegetable Growers' Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970, c. 8

(*b*) "inspector" means an inspector appointed for the purposes of this Act;

(*c*) "licence" means a licence issued under this Act;

(*d*) "Minister" means the Minister of Agriculture and Food;

(*e*) "plant" means a premises where produce is processed;

(*f*) "processing" means the manufacture of food products, including juice, beverage spirits or wine from produce, and includes slicing or chopping, canning, bottling, distilling, fermenting, dehydrating, drying, freezing, pickling or processing with sugar or sulphur dioxide or any other chemical or by heat and combining or mixing any produce with any other kind of produce, and "processed" and "processor" have corresponding meanings;

(*g*) "produce" means fruits or vegetables produced in Ontario other than fruits or vegetables that are used for any purpose other than processing;

(*h*) "regulations" means the regulations made under this Act.

Purpose and intent of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the practice of horticulture in all its branches and improve the marketing of produce by,

(*a*) holding meetings for the consideration of questions relating to such practice or marketing;

(*b*) co-operating with organizations of growers of agricultural products;

(*c*) collecting, arranging, assembling and disseminating information;

(*d*) stimulating, increasing and improving the sale of produce in Ontario through advertising, education, research and other means; and

(*e*) making representations to all levels of government and to agencies of government and to the Canadian Horticultural Council.

Use of licence fees by Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell produce to a processor.

Idem

(2) Every person who sells produce to a processor shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of licence fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-processor

(6) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor.

(7) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the produce produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations apply. Idem

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5. Recommendations by directors of Association

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations, Regulations

(*a*) fixing the amount of licence fees up to but not exceeding three-tenths of 1 per cent of the sale price of produce;

(*b*) requiring persons to pay licence fees owing by them;

(*c*) requiring any person who operates a plant and who receives produce from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;

(*d*) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;

(*e*) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;

(*f*) providing for the exemption from any or all of the regulations of any produce or class of produce or any person or class of persons;

(*g*) prescribing the duties of inspectors;

(*h*) prescribing forms and providing for their use.

(2) Any regulation may be limited as to time or place, or to both. Application of regulations

Definitions

(3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.

Appointment of inspectors

6. The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.

Powers of inspector

7.—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter during normal business hours any premises, other than a dwelling, that he has reason to believe is a plant or an office used in connection therewith.

Production of documents

(2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to produce.

Idem

(3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Photocopy as evidence

(4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to be in writing

(5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.

Obstruction of inspector

(6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

Certificate of appointment of inspector

8. The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.

Offences

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on

summary conviction is liable for a first offence to a fine of not more than $100 and for a subsequent offence to a fine of not more than $500.

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. This Act may be cited as *The Fruits and Vegetables Produce-for-Processing Act, 1974*.

CHAPTER 56

An Act respecting the Marketing of Wool

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Association" means The Ontario Sheep Association incorporated under *The Agricultural Associations Act*; R.S.O. 1970, c. 8

(*b*) "buyer" means a person engaged in buying wool from producers of wool in Ontario;

(*c*) "inspector" means an inspector appointed for the purposes of this Act;

(*d*) "licence" means a licence issued under this Act;

(*e*) "Minister" means the Minister of Agriculture and Food;

(*f*) "regulations" means the regulations made under this Act.

Purpose and intent of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the production of sheep and wool in all its branches and improve the marketing of wool by,

(*a*) holding meetings for the consideration of questions relating to the production of sheep and wool and the marketing of wool;

(*b*) co-operating with organizations of producers of agricultural products;

(*c*) collecting, arranging, assembling and disseminating information;

(*d*) stimulating, increasing and improving the sale of wool in Ontario through advertising, education, research and other means; and

(*e*) making representations to all levels of government and to agencies of government.

Use of licence fees by Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection 1 and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell wool to a buyer.

Idem

(2) Every person who sells wool to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Refund of licence fees

(3) Every person who is the holder of a licence under this section may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(4) Every application for a refund shall be made in the manner prescribed in the regulations.

Idem

(5) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations, and, in any case, not later than six months after receipt of the application therefor.

Producer-buyer

(6) Any person who is a producer and buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

Idem

(7) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the wool produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations thereunder apply.

Recommendations by directors of Association

4. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant

Governor in Council the making, amending or revoking of regulations respecting any of the matters set forth in section 5.

Regulations

5.—(1) Notwithstanding section 4, the Lieutenant Governor in Council may make regulations,

(*a*) fixing the amount of licence fees up to but not exceeding 5 cents per pound of wool;

(*b*) requiring persons to pay licence fees owing by them;

(*c*) requiring any buyer who receives wool from a seller thereof to deduct, from the moneys payable to the seller, any licence fee payable by the seller to the Association, and to forward such licence fees to the Association;

(*d*) providing for the recovery by the Association of licence fees owing to the Association by suit in a court of competent jurisdiction;

(*e*) prescribing the manner in which applications for refund of licence fees shall be made and the manner in which refunds shall be made;

(*f*) providing for the exemption from any or all of the regulations of any wool or class thereof or any person or class of persons;

(*g*) prescribing the duties of inspectors;

(*h*) prescribing forms and providing for their use.

Application of regulations

(2) Any regulation may be limited as to time or place, or to both.

Definitions

(3) Any word or expression used in a regulation may be defined in the regulation for the purposes of the regulation.

Appointment of inspectors

6. The Lieutenant Governor in Council may appoint inspectors for the purposes of this Act.

Powers of inspector

7.—(1) For the purpose of enforcing this Act and the regulations, an inspector may enter any premises, other than a dwelling, that he has reason to believe is used by a buyer for receiving, assembling or storing wool or an office used in connection therewith during normal business hours.

Production of documents

(2) For the purpose of enforcing this Act and the regulations, an inspector may demand the production or furnishing by the owner or custodian thereof of any books, records, documents or extracts therefrom, in a place referred to in subsection 1, relating to wool.

Idem

(3) Where an inspector demands the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector, and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

Photocopy as evidence

(4) Where a book, record, document or extract has been photocopied under subsection 3, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 3 is admissible in evidence, and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Demand to be in writing

(5) Where an inspector makes a demand under subsection 2, the demand shall be in writing and shall include a statement of the nature of the investigation, and the general nature of the books, records, documents or extracts required.

Obstruction of inspector

(6) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information relating to the duties of the inspector under this section.

Certificate of appointment of inspector

8. The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of the facts stated in the certificate, and of the authority of the inspector to exercise the powers and perform the duties prescribed in this Act and the regulations.

Offences

9. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than $100 and for a subsequent offence to a fine of not more than $500.

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. This Act may be cited as *The Wool Marketing Act, 1974*.

CHAPTER 57

An Act to restructure the County of Oxford

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act, Interpretation

(*a*) "area municipality" means the municipality or corporation of the City of Woodstock, the Town of Ingersoll, the Town of Tillsonburg and the Township of Blandford-Blenheim and such other municipalities as are constituted by section 2;

(*b*) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;

(*c*) "County" means the County of Oxford;

(*d*) "County Council" means the council of the County;

(*e*) "county road" means a road forming part of the county road system established under Part III;

(*f*) "debt" includes any obligation for the payment of money;

(*g*) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;

(*h*) "highway" and "road" means a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

(*i*) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

(*j*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of an area municipality or of two or more area municipalities or parts thereof;

(*k*) "local municipality" means in the year 1974 any local municipality or portion thereof in the County;

(*l*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;

(*m*) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(*n*) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;

(*o*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money;

(*p*) "Municipal Board" means the Ontario Municipal Board;

(*q*) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

PART I

AREA MUNICIPALITIES

Constitution of area municipalities

2.—(1) On the 1st day of January, 1975,

(*a*) the City of Woodstock is continued as a city municipality;

(*b*) the Town of Ingersoll is continued as a town municipality;

(*c*) the Town of Tillsonburg is continued as a town municipality and portions of the Township of Dereham described as follows are annexed to such town:

FIRSTLY, part of the Township of Dereham, commencing at the south east angle of the Township of Dereham;

THENCE northerly along the east boundary of the Township of Dereham to the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Dereham to the point of commencement;

SECONDLY, part of the Township of Dereham, commencing at the intersection of the south boundary of the Township of Dereham and the southerly prolongation of the west limit of Lot 8 in Concession XII;

THENCE northerly along the west limit of Lot 8 in concessions XII, XI and X, respectively, to the centre line of Concession X;

THENCE easterly along the centre line of Concession X to the east limit of Lot 3 in Concession X;

THENCE southerly along the east limit of Lot 3 in Concession X and its prolongation to an angle in the Town of Tillsonburg;

THENCE westerly and southerly following the boundaries between the Township of Dereham and the Town of Tillsonburg to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to the point of commencement.

(*d*) The Corporation of the Township of Blandford and The Corporation of the Township of Blenheim are amalgamated as a township municipality bearing the name of The Corporation of the Township of Blandford-Blenheim;

(*e*) The Corporation of the Township of East Zorra and The Corporation of the Village of Tavistock are amalgamated as a township municipality bearing the name of The Corporation of the Township of East Zorra-Tavistock, and the portion of the Township of North Oxford described as follows, is annexed to such Township:

COMMENCING at the intersection of the north boundary of the Township of North Oxford and the northerly prolongation of the west limit of Lot 26 in Concession I;

THENCE southerly to and along the west limit of Lot 26 in Concession I and its prolongation to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the City of Woodstock;

THENCE following the boundaries between the Township of North Oxford and the City of Woodstock to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

(*f*) The Corporation of the Township of East Nissouri, The Corporation of the Village of Embro and The Corporation of the Township of West Zorra are amalgamated as a township municipality and the portion of the Township of North Oxford, described as follows, is annexed to such Township:

COMMENCING at the northwest angle of the Township of North Oxford;

THENCE southerly along the west boundary of the Township of North Oxford and its prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the west boundary of the separated Town of Ingersoll;

THENCE following the boundaries between the Township of North Oxford and the separated Town of Ingersoll to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the boundary of the Village of Beachville;

THENCE following the boundaries between the Township of North Oxford and the Village of Beachville to the middle of the main channel of the Thames River;

THENCE easterly along the middle of the main channel of the Thames River to the southerly prolongation of the east limit of Lot 25 in Concession I of the Township of North Oxford;

THENCE northerly to and along the east limit of said Lot 25 and its prolongation to the north boundary of the Township of North Oxford;

THENCE westerly along the north boundary of the Township of North Oxford to the point of commencement.

(*g*) The Corporation of the Township of East Oxford, The Corporation of the Township of North Norwich, The Corporation of the Village of Norwich and The Corporation of the Township of South Norwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norwich;

(*h*) The Corporation of the Village of Beachville and The Corporation of the Township of West Oxford are amalgamated as a township municipality bearing the name of The Corporation of the Township of South-West Oxford, and the portion of the Township of Dereham, described as follows, is annexed to such Township:

COMMENCING at the intersection of the east boundary of the Township of Dereham and the north limit of the road allowance between concessions XI and XII;

THENCE westerly along the north limit of the road allowance between concessions XI and XII to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary of the Town of Tillsonburg to its northeast angle;

THENCE northerly to and along the east limit of Lot 3 in Concession X in the Township of Dereham to the centre line of Concession X;

THENCE westerly along the centre line of Concession X to the west limit of Lot 8 in Concession X;

THENCE southerly along the west limit of Lot 8 in concessions X, XI and XII and its prolongation to the south boundary of the Township of Dereham;

THENCE westerly along the south boundary of the Township of Dereham to its southwest angle;

THENCE northerly along the west boundary of the Township of Dereham to its northwest angle;

THENCE easterly along the north boundary of the Township of Dereham to its northeast angle;

THENCE southerly along the east boundary of the Township of Dereham to the point of commencement.

Dissolution of police villages

(2) The following police villages are dissolved on the 1st day of January, 1975:

1. The Police Village of Bright.
2. The Police Village of Burgessville.
3. The Police Village of Drumbo.
4. The Police Village of Innerkip.
5. The Police Village of Otterville.
6. The Police Village of Plattsville.
7. The Police Village of Princeton.
8. The Police Village of Thamesford.

Amalgamations, annexations and dissolutions deemed by O.M.B. orders R.S.O. 1970, cc. 323, 284

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of

such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 11 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Referendum re area municipality names

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

(*a*) confirm the name of the area municipality as set out in subsection 1; or

(*b*) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipalities shall be deemed to refer to such area municipalities as designated in the declaration.

Composition of area municipal councils

3.—(1) On and after the 1st day of January, 1975, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Woodstock—except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality, and, the five members receiving the highest number of votes shall be members of the County Council, except that in the event that any one of such five members decline to accept membership in the County Council, the member of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member of the County Council.

2. The Town of Ingersoll—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council

of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

3. The Town of Tillsonburg—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

4. The Township of Blandford-Blenheim—six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and five members elected in the manner provided for by order of the Minister made under subsection 3.

5. The Township of East Zorra-Tavistock—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

6. The Township constituted under clause *f* of subsection 1 of section 2—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.

7. The Township of Norwich—ten members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and nine members elected in the manner provided for by order of the Minister made under subsection 3.

8. The Township of South-West Oxford—eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the County Council, and seven members elected in the manner provided for by order of the Minister made under subsection 3.

First elections and term of office

(2) With respect to the area municipalities, elections of the first councils shall be held in the year 1974, and the

day of polling shall be the 7th day of October and the first councils elected shall hold office for the years 1975 and 1976.

Idem (3) For the purposes of the elections of the first councils of the area municipalities and the members thereof to represent the area municipalities on the County Council,

(*a*) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council of the area municipality and of the County Council, to be elected in the respective wards and such wards shall remain in effect until altered by the Municipal Board;

(*b*) the Minister may by order, provide for the qualification of candidates and,

(i) provide for the qualification of electors, nominations, the appointment of returning officers, the holding of the elections, the preparation of polling lists, and

(ii) provide for such other matters as he considers necessary to hold the elections.

Application of 1972, c. 95 (4) Subsections 2 and 3 apply to the elections of the first councils of the area municipalities notwithstanding *The Municipal Elections Act, 1972*.

Organization committee in 1974 (5) The members of the council of each area municipality elected in the year 1974 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

First election expenses **4.** The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1974 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

No Board of Control **5.** No area municipality shall have a Board of Control.

PART II

ESTABLISHMENT OF THE COUNTY COUNCIL

County re constituted **6.**—(1) The County of Oxford is continued and on and after the 1st day of January, 1975 shall exercise the powers and duties and be subject to the obligations and liabilities provided for in this Act.

Organizational powers of County Council in 1974

(2) The County Council elected in the year 1974 in accordance with the provisions of this Act may exercise all such powers as may be necessary to organize and plan for the implementation of the expanded powers and duties of the County on and after the 1st day of January, 1975.

Continuation in office of County Council

(3) The County Council in office in the year 1974 shall continue until the 31st day of December, 1974, but the provisions of this Act shall not apply to such County Council.

Deemed municipality under R.S.O. 1970, cc. 118, 323

(4) The County on and after the 1st day of January, 1975 shall be deemed to be a municipality for the purposes of *The Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Minister's authority

(5) The Minister may by order deem the County to be a regional municipality for the purposes of any general or special Act.

County deemed not municipality for purposes of R.S.O. 1970, c. 284

(6) The County shall not, except as provided for in this Act, be a municipality for the purposes of *The Municipal Act* on and after the 1st day of January, 1975.

County Council to exercise corporate powers

7.—(1) The powers of the County shall be exercised by the County Council and, except where otherwise provided, the jurisdiction of the County Council is confined to the County.

Powers exercised by by-law

(2) Except where otherwise provided, the powers of the County Council shall be exercised by by-law.

Not to be quashed as unreasonable

(3) A by-law passed by the County Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or the supposed unreasonableness of its provisions or any of them.

Composition of County Council

8.—(1) The County Council shall comprise twenty members consisting of,

(*a*) in the year 1974, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;

(*b*) five members of council of the City of Woodstock elected as members of the County Council under section 3; and

(*c*) one member of council of each area municipality, except the City of Woodstock, elected as members of the County Council under section 3.

Term of office

(2) The members elected to the County Council in the year 1974, under the provisions of subsection 1, shall hold office for the years 1974, 1975 and 1976.

(3) On and after the 1st day of January, 1977, the term of office of the County Council shall be two years. Idem

9.—(1) The County Council shall, on or before the 15th day of October, 1974, meet at a time and place and under the chairmanship of a person designated by the Minister to choose a person who will preside as interim warden and act as clerk at the first meeting of the County Council in the year 1974 after such date. Interim warden

(2) At the first meeting of the County Council in the year 1974 and 1977 and every second year thereafter at which a quorum is present, the County Council shall organize as a council and elect from amongst its members a warden who shall hold office for that term of the council and until his successor is elected, and at such meeting in the year 1977 and every second year thereafter the clerk shall preside until the warden is elected and the warden so elected shall retain his seat on the council of the area municipality to which he was elected. Election of warden

(3) At the first meeting of the County Council in any year at which the warden is to be elected, the Council shall conduct a draw by lot to determine the area municipality which shall cast the additional vote in the event of a tie to elect the warden. Election of warden

(4) If, at the first meeting of the County Council in the year 1974 and any subsequent first meeting, a warden is not elected, the presiding officer may adjourn the meeting from time to time, and, if a warden is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a warden to hold office for that year and the following year and until his successor is elected in accordance with this Act. Failure to elect warden

10.—(1) The first meeting of the County Council in the year 1974 shall be held on or after the 18th day of October, 1974, at such date, time and place as the interim warden may determine, and the interim warden shall give to each person entitled to be a member of the County Council at least forty-eight hours notice of the date, time and place of such meeting. First meeting in 1974

(2) The warden, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance and declaration of qualification

(3) No business shall be proceeded with at the first meeting of the County Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office

R.S.O. 1970, c. 284

When County Council deemed organized

(4) The County Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11.

Quorum, voting

11.—(1) Eleven members of the County Council representing four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Each member of the County Council has one vote only.

Place of meeting

12. Subject to section 10, all meetings of the County Council shall be held at such place within the County and at such times as the County Council from time to time appoints.

Vacancies, warden

13.—(1) When a vacancy occurs in the office of a warden who has been elected under subsection 2 of section 9, the County Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a warden who shall be a member of the County Council, to hold office for the remainder of the term of his predecessor.

Idem

(2) If the County Council fails to elect a warden within twenty days as required by subsection 1, the Lieutenant Governor in Council may appoint a person as warden to hold office for the remainder of the term of his predecessor.

Other members

(3) When a vacancy occurs in the office of a member, other than the warden or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council, to hold office for the remainder of the term of his predecessor.

Where head of council incapacitated

(4) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the County Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the County Council who shall act in the place and stead of the head of council during his incapacity but no such by-law shall have effect for a period longer than one month from its effective date

Remuneration

14.. Members of the County Council, may be paid for services performed on and after the 1st day of January, 1975, such annual and other remuneration as the County Council may determine.

Committees

15.—(1) The County Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remuneration of committee chairmen

(2) The County Council may by by-law provide for paying an annual allowance to each chairman of a standing committee except where such chairman is also the warden.

Procedural by-laws

16. The County Council may pass by-laws for governing the proceedings of the County Council and any of its committees, the conduct of its members and the calling of meetings.

Head of County Council

17.—(1) The warden is the head of the County Council and is the chief executive officer of the County.

Chief administrative officer

(2) The County Council may by by-law appoint a chief administrative officer, who,

(*a*) shall have such general control and management of the administration of the government and affairs of the County and perform such duties as the County Council by by-law prescribes;

(*b*) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(*c*) shall hold office during the pleasure of the County Council; and

(*d*) shall receive such salary as the County Council by by-law determines.

Application of R.S.O. 1970, c. 284

(3) Subsection 2 of section 238 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2 of this section.

Acting warden

18. When the warden is absent from the County or absent through illness, or refuses to act, the County Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the warden during such absence or refusal to act.

Application of R.S.O. 1970, c. 284

19.—(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286 and 390 of *The Municipal Act* apply *mutatis mutandis* to the County.

Idem

(2) Sections 190, 200, 201 and 243 of *The Municipal Act* apply *mutatis mutandis* to the County Council and to every local board of the County.

Appointment of clerk

20.—(1) The County Council shall appoint a clerk whose duty is,

(*a*) to record truly, without note or comment, all resolutions, decisions and other proceedings of the County Council;

(*b*) if required by any member present, to record the name and vote of every member voting on any matter or question;

(*c*) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the County Council and its committees; and

(*d*) to perform such other duties as may be assigned to him by the County Council.

Deputy clerk

(2) The County Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the County Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Minutes open to inspection

21.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the County made to the County Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the County to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the County Council may fix.

Index of by-laws affecting land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the County Council that affect land or the use thereof in the County but do not directly affect the title to land.

Copies certified by clerk to be receivable in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the County, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appointment of treasurer

22.—(1) The County Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the County and preserve and file all accounts of the County and shall perform such other duties as may be assigned to him by the County Council.

Deputy treasurer

(2) The County Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the County Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer.

Receipt and disbursement of money

23.—(1) The treasurer shall receive and safely keep all moneys of the County and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the County Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the County Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of cheques

(2) Notwithstanding subsection 1, the County Council may by by-law,

(*a*) designate one or more persons to sign cheques in lieu of the treasurer; and

(*b*) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash fund

(3) The County Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When member may be paid

(4) Except where otherwise expressly provided by this Act, a member of the County Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with *The Municipal Conflict of Interest Act, 1972*.

1972, c. 142

Treasurer's liability limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the County Council, unless another disposition of it is expressly provided for by statute.

Bank accounts

24. Subject to subsection 3 of section 23, the treasurer shall,

(*a*) open an account or accounts in the name of the County in such of the chartered banks of Canada or at such other place of deposit as may be approved by the County Council;

(*b*) deposit all money received by him on account of the County, and no other money, to the credit of such account or accounts, and no other account; and

(*c*) keep the money of the County entirely separate from his own money and from that of any other person,

and notwithstanding subsection 1 of section 23, the County Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly statement

25.—(1) The treasurer shall prepare and submit to the County Council, monthly, a statement of the money at the credit of the County.

Notice to sureties

(2) Where the treasurer is removed from office or absconds, the County Council shall forthwith give notice to his sureties.

Appointment of auditors

26.—(1) The County Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the County Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the County and of every local board of the County, except school boards.

Cost of audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the County and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof.

Disqualification of auditors

(3) No person shall be appointed as an auditor of the County who is or during the preceding year was a member of the County Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the County or an area municipality, or any such local board, or any employment with any of them other than as an auditor, but this provision shall not apply in the year 1975.

Duties of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the County Council or any local board of the County that do not conflict with the duties prescribed by the Ministry.

Pensions

27.—(1) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the County or local board shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the County or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System and be deemed not to have resigned from his previous employment.

Idem

(2) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave credits

(3) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof, within the County, the employee shall be

deemed to remain an employee of the municipality or local board thereof until the County or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the County whereupon the County or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the County or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the County or local board thereof, the County or local board thereof shall during the first year of his employment by the County or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of employment

(5) The County shall offer to employ every person who, on the 1st day of April, 1974, is employed in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the County under this Act and who continues to be so employed until the 31st day of December, 1974.

Entitlement to salary

(6) Any person who accepts employment offered under subsection 5 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1975, of not less than he was receiving on the 1st day of April, 1974.

Application of R.S.O. 1970, c. 324

(7) The County shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Placement of staff

(8) The Minister may by order do all such things as may be necessary to facilitate the placement of staff in the structure of both the County and area municipalities including providing for the protection of pension benefits, sick leave credits and holiday entitlements.

Pension rights and sick leave credits

(9) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termination of employment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

PART III

COUNTY ROAD SYSTEM

28. In this Part,

(*a*) "approved" means approved by the Minister or of a type approved by the Minister;

(*b*) "construction" includes reconstruction;

(*c*) "maintenance" includes repairs;

(*d*) "Minister" means the Minister of Transportation and Communications;

(*e*) "Ministry" means the Ministry of Transportation and Communications;

(*f*) "road authority" means a body having jurisdiction and control of a highway.

County road system

29.—(1) On and after the 1st day of January, 1975, all roads on the 31st day of December, 1974, under the jurisdiction and control of the County shall continue to form part of the county road system, together with those roads which on the 31st day of December, 1974, are under the jurisdiction and control of the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission.

Adding or removing roads by by-law

(2) The County Council may by by-law from time to time add roads to or remove roads from the county road system, including such boundary line roads or portions thereof between the County and an adjoining county or regional municipality as may be agreed upon between the County Council and the council of such adjoining municipality.

Transfer of provincial highway to County

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the County to the County and the highway shall for all purposes be deemed to be part of the county road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 26 of *The Public Transportation and Highway Improvement Act*. R.S.O. 1970, c. 201

Vesting of roads in County

(4) Where a road or part thereof forms part of the county road system, jurisdiction and control and the soil and freehold thereof are vested in the County.

Removal of roads from county road system

(5) The Lieutenant Governor in Council may remove any road from the county road system.

Roads removed from system

(6) Where a road or a part thereof is removed from the county road system, except by reason of it being stopped-up pursuant to subsection 1 of section 39, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the County in respect of such road.

Status of land acquired for for widening county road

(7) Notwithstanding subsection 10, where the County acquires land for the purpose of widening a county road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the county road system.

Idem

(8) When land abutting on a county road is dedicated for, or apparently for, widening the county road, the land so dedicated is part of the county road and the jurisdiction and control and the soil and freehold thereof is vested in the County subject to any rights in the soil reserved by the person who dedicated the land.

Consolidating by-laws

(9) The County Council shall, on or before the 1st day of May, 1979, pass a by-law consolidating all by-laws relating to the county road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the County Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

R.S.O. 1970, c. 410 not to apply

(11) *The Regulations Act* does not apply to an order in council made under this section.

Plans of construction and maintenance

30. The County Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Furnishing of information to Minister

31. Where the County proposes the construction, improvement or alteration of a county road, it shall furnish the Minister with such detailed information as he may require.

Contribution towards expenditures R.S.O. 1970, c. 201

32. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 84*d* of *The Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Maintanence and repair

33. The roads included in the county road system shall be maintained and kept in repair by the County.

Power over roads assumed

34. The County has, in respect of the roads included in the county road system, all the rights, powers, benefits, and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission and the County may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the Woodstock Suburban Roads Commission or the Ingersoll Suburban Roads Commission, as the case may be, might have done if the roads had not become part of the county road system.

Sidewalks excepted

35.—(1) The County is not by reason of a road forming part of the county road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the county road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 427 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970, c. 284

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a county road, and the County may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the County Council expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, improvement or service constructed on a county road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. R.S.O. 1970, c. 255

Area municipality to conform to requirements and be responsible for damage

(4) An area municipality when constructing such a sidewalk, improvement or service on a county road shall conform to any requirements or conditions imposed by the County

Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Installation of traffic control devices

36.—(1) The County may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the county road system.

Relocation of intersecting roads

(2) The County may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the county road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the County constructs a new road in lieu of the public road, the County may close the public road at the point of intersection with the county road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of sidewalk, etc., on area municipality road

(4) Where the County constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

Intersection of other roads by county road

37. Where a county road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the county road to its full width across the road so intersected is a part of the county road system.

New roads

38. The County Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 29 by adding such new roads to the county road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1970, c. 284

Powers and liabilities of County

39.—(1) With respect to the roads in the county road system and the regulation of traffic thereon, the County has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1970, cc. 284, 202

Establishment of bus lanes

(2) The County Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles

to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the County or any area municipality as part of its passenger transportation service.

Erection of gasoline pump and advertising device near county road

40.—(1) The County Council may by by-law prohibit or regulate the placing or erecting of,

(*a*) any gasoline pump within 150 feet of any limit of a county road;

(*b*) any sign, notice or advertising device within one-quarter mile of any limit of a county road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

41.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the County Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1970, c. 202

Signal-light devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the County Council, and the County Council may delegate any of its powers in respect of the operation of such devices to an officer of the County designated in the by-law.

Contribution toward cost of signal-light

(3) The County may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic control within 100 feet of county roads

(4) Subject to *The Highway Traffic Act*, the County Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a county road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements for pedestrian walks

42. The County Council may by by-law authorize agreements between the County and the owners or lessees of land abutting on a highway for the construction, maintenance

and use of walks for pedestrians over, across or under the highways upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

Disputes as to maintenance, etc., of bridges and highways R.S.O. 1970, c. 284

43.—(1) Sections 436 and 438 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the County and an adjoining municipality where such bridge or highway is included in the county road system and in the road system of the municipality.

Idem

(2) Where there is a difference between the County Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the County Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the County or the corporation of the municipality.

Hearing by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the County, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities, in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges between area municipalities

44. Clause *b* of subsection 1 of section 403 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Boundary bridges between County and ajoining municipalities R.S.O. 1970, c. 284

45. Section 418 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the County and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the county road system.

Restrictions

46.—(1) The County Council has, with respect to all land lying within a distance of 150 feet from any limit of a county road, all the powers conferred on the council of a local municipality by section 35 of *The Planning Act*. R.S.O. 1970, c. 349

Conflict with local by-laws

(2) In the event of conflict between a by-law passed under subsection 1 by the County Council and a by-law passed under section 35 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the County Council prevails to the extent of such conflict.

Controlled-access roads

47.—(1) The County Council may by by-law designate any road in the county road system, or any portion thereof, as a controlled-access road.

Closing municipal roads

(2) Subject to the approval of the Municipal Board, the County Council may by by-law close any municipal road that intersects or runs into a county controlled-access road.

Notice of application for approval for closing road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the County within such time as the Municipal Board shall direct.

Order of O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

(*a*) determining the portion or portions of the road that shall be closed;

(*b*) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and

(*c*) providing for the doing of such other acts as in the circumstances it considers proper.

Closing road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval the County may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The County, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection 4.

Time for appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Divisional Court is final.

R.S.O. 1970, c. 323, s. 95 not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon county controlled-access road

48. The County Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a county controlled-access road.

Notice

49.—(1) The County may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a county controlled-access road in contravention of a by-law passed under section 48.

Service of notice

(2) Every notice given under subsection 1 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice

(3) Where the person to whom notice is given under subsection 1 fails to comply with the notice within thirty days after its receipt, the County Council may by resolution direct

any officer, employee or agent of the County to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $100 for a first offence and to a fine of not less than $50 and not more than $500 for a second or subsequent offence.

Compensation

(5) Where a notice given under subsection 1 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 47 was constructed or used, as the case may be,

(*a*) before the day on which the by-law designating the road as a controlled-access road became effective; or

(*b*) in compliance with a by-law passed under section 48, in which case the making of compensation is subject to any provisions of such by-law.

County liability where road forms part of system

50.—(1) Subject to subsection 2, no area municipality shall have any right to compensation or damages for any road forming part of the county road system.

Idem

(2) Where a road forms part of the county road system, the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* R.S.O. 1970, c. 255 is payable as the owners' share of a local improvement work.

Default

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the county road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping-up highways

51.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the County by registered mail.

Agreement

(2) If the County objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the County Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appointment of roads commissioner

R.S.O. 1970, c. 366

52. The County Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act*, to administer and manage the county road system.

Application of R.S.O. 1970, c. 201

53. Sections 92, 94, 96, 99 and 102 of *The Public Transportation and Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the county road system.

PART IV

PLANNING

Planning area

R.S.O. 1970, c. 349

54.—(1) On and after the 1st day of January, 1975, the County shall be a municipality and a planning area for the purposes of *The Planning Act* and shall be known as the Oxford Planning Area.

Designated municipality

(2) The County Council shall be the Planning Board of the Oxford Planning Area and may be or may constitute or appoint a land division committee for the purpose of granting consents referred to in section 29 of *The Planning Act*.

Advisory committees

(3) The County Council may appoint such advisory and planning committees as it deems necessary.

Planning areas and subsidiary planning areas dissolved

55.—(1) All planning areas and subsidiary planning areas that are included in the Oxford Planning Area together with the boards thereof including the Oxford County Planning Board are hereby dissolved on the 1st day of January, 1975, and no area municipality shall, except as provided in subsections 2, 4 and 5, exercise any powers under *The Planning Act*.

Committees of adjustment

(2) The land division committee constituted for the County of Oxford and all committees of adjustment heretofore constituted by the council of a municipality in the Oxford Planning Area are hereby dissolved on the 1st day of January, 1975, and the council of each area municipality

is deemed to be a committee of adjustment under section 41 of *The Planning Act*, but notwithstanding the provisions of such Act no such council shall have any authority to grant consents referred to in section 29 of such Act. R.S.O. 1970, c. 349

(3) Any application pending before a committee dissolved under subsection 2 and that is not finally disposed of on or before the 31st day of December, 1974, shall continue before and the disposition thereof be completed by the County Council, the land division committee appointed under subsection 2 of section 54, or by the council of an area municipality, according to the nature of the application that is so pending. Completion of disposition of pending applications for consents, etc.

(4) The council of an area municipality may exercise the powers provided in sections 35, 36 and 38 of *The Planning Act*, but in the event that there is a conflict between a by-law passed by the County Council and a by-law passed by the council of an area municipality in the exercise of such powers the by-law passed by the County Council shall prevail. Powers under R.S.O. 1970, c. 349

(5) The County Council may delegate to the council of an area municipality any of its powers in respect of subdivision agreements. Delegation of powers re subdivision agreements

56. The County Council, before the 31st day of December, 1978, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the County, and all existing official plans in the Oxford Planning Area shall be deemed to be official plans of the County. Official plan

PART V

HEALTH AND WELFARE SERVICES

57.—(1) The County shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1970, cc. 378, 361

(2) The County is liable for the hospitalization and burial, after the 31st day of December, 1974, of an indigent person or his dependant who was in hospital on the 31st day of December, 1974, and in respect of whom any local municipality within the County was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1975. Proviso

Aid to hospitals

58.—(1) The County may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the County and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Payment of principal and interest to area municipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1975, and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Hospital costs form part of county levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 81.

Health unit continued

59.—(1) The health unit serving the County on the 31st day of December, 1974, is continued under the name of the Oxford County Board of Health on and after the 1st day of January, 1975.

Boundaries fixed

(2) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the County shall not be altered except by order of the Minister of Health.

Constitution of health board

60.—(1) On and after the 1st day of January, 1975, the Oxford County Board of Health shall be composed of,

(*a*) not more than seven members of the County Council appointed by the County Council; and

(*b*) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of members

(2) The members of the Oxford County Board of Health appointed by the County Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Oxford County Board of Health in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the County.

R.S.O. 1970, c. 377

61.—(1) For the purposes of the following Acts, the County shall be deemed to be a city and no area municipality shall be deemed to be a municipality: County deemed city under

1. *The Anatomy Act.* R.S.O. 1970, c. 21
2. *The Mental Hospitals Act.* R.S.O. 1970, c. 270
3. *The Sanatoria for Consumptives Act.* R.S.O. 1970, c. 422
4. *The War Veterans Burial Act.* R.S.O. 1970, c. 490

(2) For the purposes of the following Acts, no area municipality shall be deemed to be a municipality and the County shall have sole responsibility as a county for all matters provided for in such Acts. County responsibility under

1. *The Day Nurseries Act.* R.S.O. 1970, c. 104
2. *The General Welfare Assistance Act.* R.S.O. 1970, c. 192
3. *The Homemakers and Nurses Services Act.* R.S.O. 1970, c. 203

62.—(1) No area municipality has any authority to establish, erect and maintain a home for the aged under *The Homes for the Aged and Rest Homes Act.* Liability for homes for aged R.S.O. 1970, c. 206

(2) The home for the aged known as Woodingford Lodge and all the assets and liabilities thereof vest solely in the County on and after the 1st day of January, 1975. Assets and liabilities vest in county

(3) The costs of operating and maintaining Woodingford Lodge shall form part of the levy under section 81. Levy

63.—(1) The County shall pay to the committee or board of management of any home for the aged located outside the County the cost of maintenance in such home, incurred after the 31st day of December, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality. Residents of other homes for aged

(2) The amount payable by the County under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

64. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act*, and the County shall be deemed to be a city for the purposes of such Act. County deemed municipality under R.S.O. 1970, c. 64

65. The County is liable for the amounts payable on or after the 1st day of January, 1975, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred 1965, c. 14

Liability under order made under R.S.C. 1970, c. J-3

66. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the County, and the sums of money required to be paid under such order shall be paid by the County and not by the area municipality.

Information

67. Every area municipality and every officer or employee thereof shall, at the request of the officers of the County who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act.

Adjustments

68. In the event that there is any doubt as to whether the County is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc., to approved corporations under R.S.O. 1970, c. 204

69. The County may grant aid to approved corporations established under *The Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

PART VI

POLICE

Police jurisdiction

70. On and after the 1st day of January, 1975, each police force within the County shall continue to have jurisdiction in the area in which each police force had jurisdiction on the 31st day of December, 1974.

Boards of commissioners of police

R.S.O. 1970, c. 351

71. All existing boards of commissioners of police and police committees are dissolved on the 31st day of December, 1974, and new boards of commissioners of police or police committees shall be established in the manner provided for in *The Police Act* in those area municipalities in which a local police force has jurisdiction.

Area rating

72. In any area municipality in which a police force has jurisdiction and such police force does not provide police service to the entire area municipality, the council of such area municipality shall be entitled to establish a police area to which the costs of policing shall be charged.

Policing services reviewed

73. Notwithstanding the provisions of sections 70, 71 and 72, the County Council may make application to the Minister for a review of the policing services being provided in the County.

Authority of Minister

74. At the request of the County Council the Minister may, notwithstanding the provisions of sections 70, 71, 72 and 73, establish a police force for the whole or part of the County in such manner as he determines.

Idem

75. The powers of the Minister under section 74 shall be exercised by order and in such event the provisions of sections 70, 71 and 72 shall cease to apply.

PART VII

COUNTY WATERWORKS SYSTEM

County to be sole distributor of water

76.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the supply and distribution of water and the financing thereof in the County and all the provisions of any general Act relating to the supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the supply and distribution of water and the financing thereof by an area municipality or a local board thereof, including *The Local Improvement Act*, apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

R.S.O. 1970, c. 255

No area municipality to distribute water

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the supply and distribution of water, including the financing thereof, except as provided in subsection 7.

Vesting of water supply facilities

(3) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely or primarily for the purposes of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for the supply and distribution of water in the County or for any area municipality are vested in the County effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

County liability

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement.

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the Council of the area municipality determines, from such date until payment is made.

Water supply agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the supply and distribution of water and the financing thereof, the County shall, on the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Idem

(7) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

PART VIII

COUNTY SEWAGE WORKS

County responsible for sanitary sewage

77.—(1) On and after the 1st day of January, 1975, the County shall have the sole responsibility for the collection and disposal of all sewage including the financing thereof, except as provided for in subsection 7, in the County and all of the provisions of any general Act relating to the collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to the collection and disposal of such sewage and the financing thereof, by an area municipality or a local board thereof including *The Local Improvement Act* apply *mutatis mutandis* to the County, except the power to establish a public utilities commission.

R.S.O. 1970, c. 255

No area municipality to collect sanitary sewage

(2) On and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage and financing thereof, except as provided in subsections 7 and 9.

Vesting of sanitary sewage facilities

(3) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, except as provided in subsection 7, and all real and personal property of any nature whatsoever used solely or primarily for the purpose of the collection and disposal of such sewage in the County by any area municipality is vested in the County

on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

County liability

(4) The County shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3, but nothing in this subsection requires the County to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(6) With respect to any agreements entered into or matters commenced by any municipality or local board thereof in the County respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, including the financing thereof, except as provided for in subsection 7, the County Council shall stand in the place and stead of such municipality or local board for all purposes of any such agreement or matter.

Land drainage

(7) The County shall be responsible for undertaking the land drainage system including storm sewers with respect to county roads and any surrounding lands which naturally drain into such land drainage system and may undertake a land drainage program including storm sewers in any part of the County as the County Council deems necessary and the area municipalities shall be responsible for all other land drainage systems, including storm sewers, within their respective boundaries.

Assumption of area municipal land drainage systems

(8) Where the County undertakes a program provided for in subsection 7, the County may assume all or any portion of the land drainage system, including storm sewers, of an area municipality, without compensation, and the provisions of subsections 4 and 5 shall apply thereto, *mutatis mutandis*.

Idem

(9) The County is entitled to enter into agreements with any person, area municipality or local board thereof with respect to any of the matters provided for in this Part, and in such event the person, area municipality or local board thereof has authority to enter into such agreements.

PART IX

FINANCES

Interpretation R.S.O. 1970, c. 32

78. In this Part, "rateable property" includes business and other assessment made under *The Assessment Act*.

Area municipality deemed municipality under R.S.O. 1970, c. 405

79.—(1) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

County deemed regional municipality

(2) The County shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that,

(*a*) for the purposes of any payment under that Act in the year 1975 to the County, the population of each area municipality shall be determined in such manner as the Ministry considers proper;

(*b*) for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for county purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 81 of this Act, reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

Application of R.S.O. 1970, c. 284, s. 312

(3) Section 312 of *The Municipal Act* applies *mutatis mutandis* to the county.

YEARLY ESTIMATES AND LEVIES

Yearly estimates

80.—(1) The County Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the County, including the sums required by law to be provided by the County for any local board of the County, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance to be made in estimates

(2) In preparing the estimates, the County Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

(3) The surplus or operating deficit for which the County Council shall make due allowance in preparing the estimates for the year 1975 shall be the audited surplus or operating deficit of the County on the 31st day of December, 1974, and shall include any surplus contribution made under subsection 5. Surplus or operating deficit of County Council in 1974

(4) The amount by which any operating deficit existing for the County on the 31st day of December, 1974, exceeds the total of such County's reserves on such date shall become a charge on the municipalities that levied rates for such County in the same proportion as the last apportionment made for County purposes, and shall be paid in such proportions to the County by the appropriate area municipalities not later than the 30th day of June, 1975. Operating deficit, County of Oxford

(5) Where an operating surplus exists for the County on the 31st day of December, 1974, or where an operating deficit exists on such date that does not exceed the total of such County's reserves on such date, a sum shall be determined equivalent to, Surplus contribution, City of Woodstock, Town of Ingersoll

(*a*) the audited surplus of the County together with the total of the County's reserves on such date; or

(*b*) the total of the County's reserves less the audited deficit of the County on such date,

and such sum shall be apportioned between the City of Woodstock and the Town of Ingersoll in the proportion that the weighted, equalized assessment for each municipality respectively, as ascertained under section 81 for the purpose of apportioning the County levy for 1975, bears to the total weighted, equalized assessment so ascertained for the two municipalities, and the amount apportioned to each municipality shall be paid by the municipality to the County not later than the 1st day of January, 1980.

(6) Section 43 of *The Assessment Act* and section 606 of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, cc. 32, 284

81.—(1) The County Council in each year shall, subject to sections 76 and 77, levy against the area municipalities a sum sufficient, Levy on area municipalities

(*a*) for payment of the estimated current annual expenditures as adopted; and

(*b*) for payment of all debts of the County falling due within the year as well as amounts required to be

raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the County is liable under this Act.

Apportionment

(2) The County Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 9, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the County, according to the last revised assessment rolls.

Assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to County and area municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the County and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment of by-law where necessary following appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the County Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(*a*) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the County; and

(*b*) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the County only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the County shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assessments, etc., not to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*.

R.S.O. 1970, c. 32

Assessment to include valuations on properties for which payments in lieu of taxes paid

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of County levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304*a* of *The Municipal Act* and section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1971* and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*.

R.S.O. 1970, c. 284, 1971, c. 78, 1973, c. 73

Valuation of properties

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 10 and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the County and the appropriate area municipality of such valuations.

Levy by-laws

(12) One by-law or several by-laws for making the levies may be passed as the County Council may consider expedient.

County levy

(13) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the County levy shall be calculated and levied upon the whole rateable

property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the County and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the County at the times and in the amounts specified by the by-law of the County Council mentioned in subsection 2.

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum or such lower rate as the County Council determines, from the date payment is due until it is made.

Equalized assessment of merged areas

82.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas

R.S.O. 1970, cc. 405, 284, 32

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net County levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by County Council before estimates adopted

83.—(1) Notwithstanding section 81, in the year 1975, the County Council may, before the adoption of the estimates

for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the County in the year 1974 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 81 and subsections 14 and 15 of section 81 apply to such levy and, if in the opinion of the County Council this would cause undue hardship in any area municipality, the County Council may reduce the amount otherwise payable under this subsection by such area municipality.

Idem (2) Notwithstanding section 81, in 1976 and in subsequent years, the County Council may, before the adoption of estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the County Council in the preceding year against that area municipality and subsections 14 and 15 of section 81 apply to such levy.

Levy under s. 81 to be reduced (3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of levy made under section 81.

Levy by area municipality before estimates adopted (4) Notwithstanding section 82, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding in 1975, 75 per cent and in all subsequent years 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under s. 82, to be reduced (5) The amount of any levy under subsection 4 shall be deducted from the amount of the levy made under section 82.

Application of R.S.O. 1970, c. 284, s. 303 (4) (6) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

Preliminary assessment (7) The Ministry of Revenue, for the purposes of a levy under subsection 1, shall complete a preliminary assessment and such assessment shall be deemed to be the revised equalized and weighted assessment under subsection 4 of section 81.

Notice (8) The Ministry of Revenue shall notify the County and each area municipality of the preliminary assessment referred

to in subsection 7, on or before the 31st day of January, 1975.

Rates under R.S.O. 1970, c. 430

84.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for public school purposes on commercial assessment R.S.O. 1970, c. 424

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for public school purposes on residential assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on commercial assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

Rates for secondary school purposes on residential assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both

as equalized and weighted by the Ministry of Revenue in accordance with subsection 1 of section 82.

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation. Regulations under R.S.O. 1970, c. 425 to apply

ADJUSTMENTS

85.—(1) The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. Transitional adjustments

86.—(1) For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1975 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality. Allowances to be made in estimates of area municipalities in 1975 R.S.O. 1970, c. 284

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1974. Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1975, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll. Idem

(4) For the purposes of this section and section 87, the audited surplus or operating deficit of a local municipality on the 31st day of December, 1974, shall be reduced or increased, as the case may be, by any payment required under subsections 4 and 5 of section 80. Adjustment for payment under s. 87

Interpretation

R.S.O. 1970, c. 284

87.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under section 2 of section 307 of *The Municipal Act*.

Surplus or deficit at December 31, 1974 to be applied to supporting assessment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1974, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1975.

Committees of arbitrators

88.—(1) The Minister may appoint committees of arbitrators for the purpose of determining the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of any divided municipality.

Idem

(2) Each committee shall consist of the treasurers of the municipalities concerned with the disposition of particular assets and liabilities and reserve funds, or such other person or persons as the Minister may appoint.

Provisional determination

(3) Before the 31st day of December, 1974, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1975.

Final determination

(4) As soon as possible thereafter, the committees where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1974, together with determinations of any financial adjustments which may be necessary.

Notice

(5) The final determination made under subsection 4 shall be forwarded forthwith to the municipalities concerned, the County and the Municipal Board and unless the council of any such municipality or the County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities and the County.

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Documents and records

(7) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall

be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the municipality to which they are transferred.

Period of adjustment

(8) Notwithstanding the provisions of sections 80, 87 and this section, the Minister may prescribe the period over which any adjustments and settlements made thereunder are to be made.

RESERVE FUNDS

Reserve funds of municipalities

89.—(1) Reserve funds established by local municipalities for purposes for which the County has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the County and the assets of such reserve funds are vested in the County.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the County has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

TEMPORARY LOANS

Application of R.S.O. 1970, c. 284, s. 332

90.—(1) Section 332 of *The Municipal Act* applies *mutatis mutandis* to the County.

Current borrowings

(2) In 1975, for the purposes of subsection 4 of section 332 of *The Municipal Act*, the amount that may be borrowed at any one time prior to the adoption of the estimates for that year shall be such amount as may be approved by the Minister.

DEBT

Debt

R.S.O. 1970, c. 323

91.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County Council may borrow money for the purposes of,

(*a*) the County;

(*b*) any area municipality;

(*c*) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the County.

Liability

(2) All debentures issued pursuant to a by-law passed by the County Council under the authority of this Act are direct, joint and several obligations of the County and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the County and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1974, power to issue debentures.

Uncompleted works

(4) When an area municipality, on or before the 31st day of December, 1974,

(*a*) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1970, c. 323

(*b*) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the County Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the County for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 94 and no further approval of the Municipal Board is required.

Bonds, debentures, etc., trustee investments

R.S.O. 1970, c. 470

(5) Bonds, debentures and other evidences of indebtedness of the County shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to incur debt or issue debentures

92. Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the County

may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 91 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the County.

Idem

93.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the County Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the County Council has been obtained.

Proviso R.S.O. 1970, c. 323

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Borrowing pending issue and sale of debentures

94.—(1) Where the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for its purposes, the County Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the County for the purposes of an area municipality, the County Council or the council of the area municipality pending the issue and sale of the debentures may, and the County Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and the County Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the warden and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

Interest on proceeds transferred

(3) The County may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 106, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

95.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the County such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures

of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Instalment debentures and debentures to refund existing debentures at maturity

(7) Notwithstanding subsection 5, the County Council may by by-law,

(*a*) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(*b*) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection 7 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 7, and any levy imposed by a by-law under clause *b* of subsection 7 shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 7 was levied.

Levies a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the County.

By-law to change mode of issuing debentures

(10) The County Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the County Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures, when to be dated and issued

(11) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the County Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 11 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension of time for issue

(14) The Municipal Board, on the application of the County Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application after time expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing. Effective date

(17) Notwithstanding any general or special Act, the County Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor. Consolidation

(18) Section 290 of *The Municipal Act* applies *mutatis mutandis* to the County. Consolidating debenture by-laws R.S.O. 1970, c. 284

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the County on any date prior to maturity, subject to the following provisions: Redemption before maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.

3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the County and in such other manner as the by-law may provide.

5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

(*a*) in lawful money of Canada and payable in Canada; or

(*b*) in lawful money of the United States of America and payable in the United States of America; or

(*c*) in lawful money of Great Britain and payable in Great Britain; or

(*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the County Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceedint 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(*a*) the treasurer of the County shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(*b*) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking fund committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the County and two members appointed by the County Council, and the two appointed members may be paid, out of the current fund of the County, such annual remuneration as the County Council determines.

Alternate members

(25) The County Council may appoint an alternate member for such of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(26) The treasurer of the County shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the County shall determine, and in other respects the provisions of section 233 of *The Municipal Act* apply with respect to such security. R.S.O. 1970, c. 284

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(29) All assets of the sinking fund, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank

accounts and may at any time or times vary any investments.

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

(*a*) in securities in which a trustee may invest under *The Trustee Act*; R.S.O. 1970, c. 470

(*b*) in debentures of the County;

(*c*) in temporary advances to the County pending the issue and sale of any debentures of the County;

(*d*) in temporary loans to the County for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of securities with Treasurer of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 33 only upon the direction in writing of the sinking fund committee.

Sinking fund accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws shall be deemed one debt and be represented by one sinking fund account.

Earnings credited to sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(*a*) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 22 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(*b*) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 22 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause *a*.

Sinking fund requirements

(37) The treasurer of the County shall prepare and lay before the County Council in each year, before the annual County levies are made, a statement showing the sums that the County Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the County contravenes subsection 23 or 37, he is guilty of an offence and on summary conviction is liable to a fine of not more than $250.

Failure to levy

(39) If the County Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the County Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where amount in sinking fund account more than sufficient to pay debt

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 36 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the County Council or the council of an area municipality, may authorize the County Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion of sinking funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the County or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

(*a*) use the surplus to increase the amount at the credit of another sinking fund account; or

(*b*) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

(i) to retire unmatured debentures of the County or of an area municipality,

(ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the County or an area municipality,

(iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the County or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the County out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 42.

Term debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or sem-annually, in which case such debentures shall be known as term debentures.

Amounts to be raised annually

(45) In respect of the term debentures, the by-law shall provide for raising,

(*a*) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(*b*) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section and the provisions of subsections 25 to

41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

When rate of interest may be varied

96.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the County Council to pass a by-law to amend such by-law so as to provide for,

(*a*) a different rate of interest;

(*b*) a change in the amount to be raised annually and, if necessary, in the special levies;

(*c*) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;

(*d*) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and

(*e*) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 94, shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The County Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the County Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the County Council.

Repeal of by-law when part only of money to be raised

97.—(1) Where part only of a sum of money provided for by a by-law has been raised, the County Council

may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

98.—(1) Subject to section 97, after a debt has been contracted under a by-law, the County Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not apply to any other purpose any money of the County that has been directed to be applied to such payment.

Application of payments

(2) When the County, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for neglect of officer to carry out by-law

99. Any officer of the County whose duty it is to carry into effect any of the provisions of a money by-law of the County who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Money by-laws may be registered

100.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it certified under his hand and the seal of the County .in the appropriate land registry office.

Application to quash registered by-law, when to be made

R.S.O. 1970, cc. 323, 136, 255

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act* or

The Local Improvement Act, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal by-laws not validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 1 of section 93 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 95 have not been substantially complied with.

Failure to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures, how sealed and executed

101.—(1) A debenture or other like instrument shall be sealed with the seal of the County, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the warden, or by some other person authorized by by-law of the County to sign it, and by the treasurer.

Interest coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechani-

cally reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the County Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical reproduction of signatures

(3) The signature of the warden, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the County to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the County when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the warden or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the warden or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the County.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the County Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

102. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the County, the by-law and the debentures issued under it are valid and binding upon the County.

Mode of transfer may be prescribed

103.—(1) Where a debenture contains or has endorsed upon it provisions to the following effect:

> This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership),

transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of .....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Fully registered debenture

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Replacement of lost debentures

104. Where a debenture is defaced, lost or destroyed, the County Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of debentures

105.—(1) On request of the holder of any debenture issued by the County, the treasurer of the County may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request of sinking fund committee

(2) On the request of the sinking fund committee, the treasurer of the County may, as provided in this section, exchange debentures, heretofore or hereafter issued by the County.

New debenture of same force and effect as debenture surrendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures surrendered for exchange to be cancelled

(4) The treasurer and auditor of the County shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application of proceeds of debentures

106.—(1) The moneys received by the County from the sale or hypothecation of any debentures, to the extent that such moneys are required for the purposes for which the debentures were issued and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the County from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the County or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(*a*) if any such debentures are redeemable prior to maturity at the option of the County to redeem one or more of the debentures having the latest maturity date; or

(*b*) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(*c*) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature

for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

107. Where real or personal property acquired out of moneys received by the County from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 106 or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold.

Tenders for debentures

108. When the County intends to borrow money on debentures under this or any other Act, the County Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts, how to be kept

109.—(1) The County Council shall,

(*a*) keep a separate account of every debenture debt;

(*b*) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(*c*) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated interest account

(2) The County Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application of surplus money

110. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal.

Liability of members

111.—(1) If the County Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expeditures, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by ratepayer

(2) If the County Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the County.

Disqualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing of debentures

112. When, by or under the authority of this Act, the County is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the County may, with the approval of the Municipal Board,

(*a*) cancel all such debentures that have not been sold and issue new debentures of the County in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board for the purposes for which such debentures were issued;

(*b*) arrange with the area municipality for redemption of all such debentures as are redeemable and issue new debentures of the County to raise the moneys required for such redemption; and

(*c*) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Corporation to raise the money required to complete such purchase.

ASSETS

Disposal of assets

113. In the year 1974, the County of Oxford or a local board thereof and any local municipality or a local board thereof shall not, after the 1st day of July, without the approval of the Minister, dispose of any asset purchased at a cost of or valued at more than $5,000.

PART X

GENERAL

Application of R.S.O. 1970, c. 284

114.—(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 249, 250, 254 and 308 and paragraphs 3, 9, 24, 44, 46, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County.

Erections, annexations and amalgamations

(2) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public transporation systems, refuse disposal, entertainment expenses, etc.

(3) The County shall be considered to be a local municipality for the purposes of paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*.

Delegation of approval

(4) Notwithstanding any other provision in this Act, the County may pass a by-law authorizing the head of the

department concerned to grant the approval required by subsection 2 of section 35 and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

By-laws

(5) Every by-law of a local municipality as it exists on the 31st day of December, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1975, and may be amended or repealed by the council of an area municipality as it affects such area municipality and where any such by-law pertains to a function of the County it may be amended or repealed by the County Council.

Idem

(6) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1974, the council of the successor area municipality to such local municipality, or the County Council when the subject-matter of the by-law pertains to a function of the County, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the County and the provisions of subsection 5 apply *mutatis mutandis* to any such by-law.

Vesting of transportation assets in County

(7) In the event that the County establishes a transportation system in accordance with the provisions of subsection 3, no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the County on the day such County transportation system is established, without compensation, and the County shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets.

Default

(8) If the County fails to make any payment required by subsection 7, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Emergency measures

115.—(1) The County may pass by-laws,

(*a*) for the establishment and maintenance of an emergency measures civil defence organization in the County; and

(*b*) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the County,

and when a by-law passed under this subsection is in force in the County, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 353 of *The Municipal Act* have no effect. R.S.O. 1970, c. 284

(2) When a by-law passed under clause *a* of subsection 1 is in force, the County Council may pass by-laws, Powers of County Council re emergency measures

(*a*) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;

(*b*) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

(*c*) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the County, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act;* R.S.C. 1970, c. W-2. R.S.O. 1970, c. 145

(*d*) for acquiring alternative headquarters for the County Government outside the County;

(*e*) for obtaining and distributing emergency materials, equipment and supplies; and

(*f*) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

(3) For the purposes of *The Emergency Measures Act*, the area municipalities shall be deemed to be the local municipalities that form part of the County for municipal purposes. Deemed local municipalities under R.S.O. 1970, c. 145

116.—(1) The County may make expenditures for the purpose of diffusing information respecting the advantages Expenditures for diffusing information

of the County as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Application of R.S.O. 1970, c. 284, ss. 354 (1) par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the County, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974.

Grants

117. The County Council may make annual grants to institutions, associations, area municipalities and persons carrying on or engaged in works that in the opinion of the County Council are for the general advantage of the inhabitants of the County and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1970, c. 505

118. Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the County recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the County may impose.

Investigation by county judge of charges of malfeasance

119.—(1) Where the County Council passes a resolution requesting a judge of the county court within the County or a judge of the county court of a county or judicial district adjoining the County, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the County Council, or an officer or employee of the County, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the County, or to inquire into or concerning any matter connected with the good government of the County or the conduct of any part of its public business, including any business conducted by a local board of the County, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the County Council the result of the inquiry and the evidence taken.

1971, c. 49

(2) The judge shall be paid by the County the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*. Fees payable to judge R.S.O. 1970, c. 228

(3) The County Council may engage and pay counsel to represent the County, and may pay all proper witness fees to persons summoned to give evidence at the instance of the County, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. Engaging counsel

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the County shall pay the costs thereof. Idem

120.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the County or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Commission of inquiry 1971, c. 49

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the County Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the County and the Province as the Lieutenant Governor in Council may direct. Expenses of commission

121. The County for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. Entry on highways

Agreements re services

122. The County and any area municipality may enter into agreements for the use within any part of the County of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary.

Application of R.S.O. 1970, c. 32

123.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act*, the County shall be deemed to be a municipality.

County and area municipalities deemed not tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act*, where property belonging to the County is occupied by an area municipality or where property belonging to an area municipality is occupied by the County or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpretation

(3) In subsection 2, "County" and "area municipality" include a local board thereof.

Execution against County

124.—(1) An execution against the County may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the County, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.

2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the County for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the

execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the County has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. the County of Oxford" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function of clerk and treasurer

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Roads Commissions dissolved

125. The Woodstock Suburban Roads Commission and the Ingersoll Suburban Roads Commission are dissolved on the 1st day of January, 1975, and all the assets and liabilities thereof vest in the County on such date.

Powers of O.M.B.

126.—(1) In the event of any doubt as to whether any particular asset or liability is vested in the County under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1970, c. 323

Settling of doubts

(2) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the County under this Act, the Municipal Board upon application may determine the matter and its decision is final.

Conditional powers

127. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Conflict with other Acts

128.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special legislation

(2) The provisions of any special Act relating to a local municipality or local board thereof within the County, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the County or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the County or a local board thereof or to the area municipalities or local boards thereof.

Municipal buildings

129.—(1) The County or an area municipality or the County and one or more area municipalities,

(*a*) may acquire land for the purpose of constructing municipal buildings; and

(*b*) may construct municipal buildings for the use of the County or the County and one or more area municipalities or any local board thereof.

Application of R.S.O. 1970, c. 284

(2) Section 256 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

130.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the County Council. Interpretation

(2) On and after the 1st day of January, 1975, the County shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. Receiving and disposing of waste by County

(3) For the purposes of subsection 2, the County may acquire and use land within the County and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the County on the 1st day of January, 1975, without compensation. Waste disposal sites

(4) The County shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the County under the provisions of subsection 3. Payment of principal and interest to area municipalities

(5) If the County fails to make any payment required by subsection 4, the area municipality may charge the County interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the County under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection 3, paragraph 77 of subsection 1 of section 354 of *The Municipal Act* applies *mutatis mutandis*. Application of R.S.O. 1970, c. 284

131. Where any agreement has been entered into or proceeding commenced by a local municipality, providing Successor rights

the terms thereof are not inconsistent with the provisions of this Act, the County or the appropriate area municipality shall on and after the 1st day of January, 1975, be deemed to stand in the place and stead of such local municipality for all purposes in so far as the agreement or proceeding pertains to the functions of the County or area municipality.

County Fire Co-ordinator

132. The County shall appoint a County Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the County including the establishment of a communications system and training facilities for fire fighters, and the County is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing speed limits continued

R.S.O. 1970, c. 202

133.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act* the area in the County that, on the 31st day of December, 1974, formed part of a city, town, village or township municipality shall be considered to continue to form part of a city, town, village or township municipality.

By-laws of County and area municipalities

(2) Notwithstanding subsection 1, the County Council and the council of each area municipality may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing speed limits continued

(3) Every by-law passed by the council of a municipality under any provision of section 82 of *The Highway Traffic Act* that applied, on the 31st day of December, 1974, to any highway or portion thereof within the County shall continue to apply thereto until a by-law passed by the County Council or the council of an area municipality under such section 82 applies thereto.

Non-application of R.S.O. 1970, c. 354, s. 108

134.—(1) On and after the 1st day of January, 1975, no area municipality shall be required to comply with section 108 of *The Power Corporation Act*.

Distribution of electrical power

(2) Where, on the 31st day of December, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the County, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction and where any such commission is serving in two or more municipalities it shall be deemed to be a local board of the municipality which has the higher or highest assessment to which electrical power and energy is being supplied.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality or area municipalities in which such a commission operates shall also be a member of such commission. Members of commission continue in office

(4) All public utilities commissions and waterworks commissions within the County, except those referred to in subsection 2, are hereby dissolved on the 1st day of January, 1975. Commissions dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the County Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. Member of commission not disqualified

135.—(1) On the 31st day of December, 1974, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1975, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section. Boards, etc., dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder, and a board of a community centre under *The Community Centres Act*. Council deemed recreation committee R.S.O. 1970, cc. 120, 73

136. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Oxford County Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Oxford County Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act, 1972*, in the year 1974, Election R.S.O. 1970, cc. 425, 430 1972, c. 95

(*a*) the polling day for the members of The Oxford County Board of Education and of The Oxford County Roman Catholic Separate School Board shall be the 7th day of October, and the hours of polling

shall be the same as for the municipal elections in the County and the members elected on such date shall take office on the 1st day of January, 1975, and continue to hold such office until the 31st day of December, 1976;

(*b*) the Minister shall, by order, provide for nomination of candidates for The Oxford County Board of Education and for The Oxford County Roman Catholic Separate School Board and may by order provide for any other matters necessary to hold the elections for such boards; and

(*c*) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively.

R.S.O. 1970, c. 284, s. 244, not to apply

137. Section 244 of *The Municipal Act* does not apply to the council of a local municipality in the County in the year 1974.

Apportionment of operating costs of County library system

138. The operating costs of the County library system shall be apportioned amongst the area municipalities, with the exception of the City of Woodstock and the Town of Tillsonburg, in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 81, bears to the total equalized, weighted assessment for such area municipalities.

Organizational expenses

139.—(1) The Lieutenant Governor in Council may, by order, provide for payments to be made out of the Consolidated Revenue Fund towards the organization expenses of the County.

Terms of payment

(2) Payments made under this section shall be made on such terms and conditions as the Minister may direct.

Commencement

140.—(1) This Act, except Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX, comes into force on the day it receives Royal Assent.

Idem

(2) Parts V, VII and VIII and sections 78 to 87 and 89 to 112 of Part IX come into force on the 1st day of January, 1975.

Short title

141. This Act may be cited as *The County of Oxford Act, 1974*.

FORM 1

(*Section 10 (2)*)

OATH OF ALLEGIANCE

I, ..., having been elected (*or appointed*) as Warden of the council of the County of Oxford, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(*Section 10 (2)*)

DECLARATION OF QUALIFICATION BY WARDEN

I, ..., having been elected (*or appointed*) as Warden of the council of the County of Oxford declare that:

1. I am a Canadian citizen or other British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of eighteen years.

3. I am not an employee of any area municipality or local board of any area municipality.

4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

CHAPTER 58

An Act to ensure a Guaranteed Annual Income to Ontario Residents Sixty-five Years of Age and over

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "applicant" means a person who has applied for an increment;

(*b*) "application" means an application for an increment under this Act;

(*c*) "base calendar year" means the calendar year ending next before the commencement of the current fiscal year;

(*d*) "basic monthly income" of a beneficiary for a month means,

(i) for any month in which the beneficiary is unmarried, and for which he is entitled to receive in the month a pension or a supplement, an amount equal to the sum of one-twelfth of his income for the base calendar year, plus the amount of any pension or supplement that he is entitled to receive in the month,

(ii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment and a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of

the beneficiary and his spouse, plus the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

(iii) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month a pension or a supplement, and for which the beneficiary is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the lesser of,

(A) one-half of the amount of any pension that the beneficiary is entitled to receive in the month, or

(B) an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

plus

(C) the amount of any pension or supplement that the beneficiary is entitled to receive in the month,

(iv) for any month in which the beneficiary is unmarried, and for which he is not entitled to receive a pension or a supplement, an amount equal to one-twelfth of his income for the base calendar year,

(v) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive in the month an increment, and for which neither the beneficiary nor his spouse is entitled to receive a pension or a supplement, an amount equal to one-twenty-fourth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse,

(vi) for any month throughout the whole of which the beneficiary is married to a person who is not entitled to receive in the month an increment, a pension, or a supplement, and

for which the beneficiary is not entitled to receive a pension or a supplement,

(A) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, R.S.C. 1970, c. O-6

an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, or

(B) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is not less than an amount equal to twelve times the maximum amounts of pension and supplement that are authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, and is less than an amount equal to the sum of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),

2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and

3. the amount of $48.00,

an amount equal to the sum of the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under the *Old Age Security Act* (Canada) to an unmarried person, or

(C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of subsubclause B,

an amount equal to one-thirty-sixth of,

(D) the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, minus the aggregate of,

1. an amount equal to twenty-four times the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada),

R.S.C. 1970, c. O-6

2. an amount equal to twelve times the maximum amount of supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person, and

3. the amount of $12.00,

plus the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* (Canada), plus the maximum amount of the supplement that is authorized to be paid in that month under that Act to an unmarried person, or

(vii) for any month throughout the whole of which the beneficiary is married to a person who is entitled to receive an increment and a pension or supplement, and for which the beneficiary is not entitled to receive a pension or supplement, an amount equal to one-twelfth of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, plus the aggregate of,

(A) the amount of any increment, and

(B) the amount of any pension or supplement,

that the spouse of the beneficiary is entitled to receive in the month;

(*e*) "beneficiary" means a person to whom payment of an increment has been approved;

(*f*) "current fiscal year" means the fiscal year in respect of which an application for an increment is made by an applicant or on his behalf;

(*g*) "defined income" means any amount that is a supplement, a pension, a payment similar to a supplement or a pension under a law of a province of Canada, a private pension income, a benefit, other than a death benefit, under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*, and any amount that is income prescribed for the purpose of this clause; R.S.C. 1970, c. C-5

(*h*) "eligible person" means a person who has attained sixty-five years of age or such lesser age as may be prescribed, who, on the date his application is received by the Minister or his qualifying date, whichever is the later date, is actually residing in Ontario, and who,

(i) on the 1st day of July, 1974, is actually residing in Ontario and is in receipt of a supplement that is paid to him through the Ontario Regional Office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada,

(ii) resided in Ontario for a period of one full year immediately prior to the date on which his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, and was either,

(A) resident in Canada for a period of five consecutive years immediately prior to the date his application is received by the Minister or immediately prior to his qualifying date, whichever is the later date, or

(B) resident in Canada for a continuous period of, or for periods the aggregate

of which is, twenty years after attaining the age of eighteen years,

or,

(iii) prior to the date his application is received by the Minister or prior to his qualifying date, whichever is the later date, had resided in Ontario for a continuous period of, or for periods the aggregate of which is, twenty years after attaining the age of eighteen years;

(*i*) "fiscal year" means a period of twelve consecutive months commencing on the 1st day of April or on such other date as may be prescribed by the Lieutenant Governor in Council;

(*j*) "guaranteed income limit" means, unless a higher amount is prescribed,

(i) in the case of a beneficiary described in any of subclauses i to vi of clause *d*, $2,600, or

(ii) in the case of a beneficiary described in subclause vii of clause *d*, $5,200;

(*k*) "income for the base calendar year" of a person or an applicant means his income for the calendar year ended next before the current fiscal year and computed in accordance with the *Income Tax Act* (Canada), minus,

1970-71, c. 63 (Can.)

(i) the amount of any increment,

(ii) the amount of any pension or supplement and the amount of any similar payment made under a law of a province of Canada, and

(iii) the amount of any death benefit under the *Canada Pension Plan* or a provincial pension plan as defined in section 3 of the *Canada Pension Plan*,

R.S.C. 1970, c. C-5

that is included in computing that income, and means any amount deemed by section 5 to be income for the base calendar year;

(*l*) "increment" means the monthly guaranteed annual income increment authorized to be paid under this

Act, and is an amount equal to the amount by which one-twelfth of the guaranteed income limit applicable to a beneficiary exceeds the beneficiary's basic monthly income for the month for which the payment authorized under this Act is being made;

(*m*) "Minister" means the Minister of Revenue;

(*n*) "month throughout the whole of which the beneficiary is married" includes the month in which the beneficiary ceases to be married as a result of the death of his spouse or otherwise, and "month in which the beneficiary is unmarried" does not include the month in which he so ceases to be married;

(*o*) "pension" means a monthly pension authorized to be paid under Part I of the *Old Age Security Act* (Canada); R.S.C. 1970, c. O-6

(*p*) "prescribed" means prescribed by regulation;

(*q*) "previous fiscal year" means the fiscal year next before the current fiscal year;

(*r*) "qualifying date" means the 1st day of July, 1974 or, in the case of an individual who is not an eligible person on that date, the first date after the 1st day of July, 1974 on which such individual becomes an eligible person;

(*s*) "regulation" means a regulation made under this Act;

(*t*) "supplement" means a monthly guaranteed income supplement authorized to be paid under Part II of the *Old Age Security Act* (Canada).

Payment of increment

2.—(1) Subject to this Act and the regulations, an increment may be paid to every eligible person for each month in a fiscal year, such that the first payment shall be made for the month following the month in which the beneficiary's qualifying date occurs or, where an application is received after the applicant's qualifying date, for the month following the month in which the application is approved.

When increment not payable

(2) No increment may be paid to any eligible person for any month in any fiscal year unless an application therefor has been made by him or on his behalf and payment of the increment for months in that fiscal year has been approved by the Minister, and except as other-

wise provided in this Act and the regulations, no increment may be paid to any eligible person, pursuant to an application therefor, for,

(*a*) any month more than twelve months before the month in which the application is received;

(*b*) any month prior to the 1st day of July, 1974;

(*c*) any month throughout the whole of which the beneficiary is absent from Ontario, having absented himself from Ontario, either before or after becoming a beneficiary, and having remained out of Ontario before that month for six consecutive months, exclusive of the month in which he left Ontario; or

(*d*) any month prior to the month following the month in which his application is received or in which his qualifying date occurs, whichever is the later.

Suspension of payments

(3) Where, after becoming a beneficiary, a person remains out of Ontario for six consecutive months, exclusive of the month in which he left Ontario, payment of his increment in any subsequent month during which he is only temporarily resident in Ontario may, without a hearing, be suspended, but payment may be resumed with the month in which he returns to Ontario to become principally resident in Ontario.

Idem

(4) Where a beneficiary, either before or after becoming a beneficiary, is convicted of an offence and sentenced to a term of imprisonment exceeding ninety days, payment of his increment for any period he continues to be imprisoned shall be suspended, but may be resumed upon his release from imprisonment.

Idem

(5) Where a beneficiary fails to comply with any of the provisions of this Act or the regulations, payment of his increment may, without a hearing, be suspended, and where payment of an increment is so suspended, it shall be resumed when the beneficiary has complied with such provisions, and shall be paid in accordance with the amount of any increment to which the beneficiary is then entitled.

Approval where applicant entitled to pension or supplement

(6) When an applicant is, on his qualifying date or on the last day of the month in which his application is

received, whichever is the later day, entitled to receive a pension or a supplement for which he has not applied, his application shall not be approved until his entitlement to receive a pension or a supplement is determined.

Reduction of increment where beneficiary entitled to pension or supplement

(7) Where a beneficiary becomes entitled to receive a pension or a supplement and does not apply therefor, the beneficiary's increment shall be reduced to that amount that would be payable to him were he receiving the pension and, where applicable, the supplement to which he would be entitled upon making an application as provided in the *Old Age Security Act* (Canada). R.S.C. 1970, c. O-6

Minister may act on information furnished under R.S.C. 1970, c. O-6

3.—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person who has applied for or is entitled to a supplement is or is not entitled to an increment, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada) or may act upon any statement or information furnished under that Act, and for the purpose of determining the entitlement of any person to an increment or of determining the amount thereof, the Minister may treat an application under the *Old Age Security Act* (Canada) for a supplement or a statement of income furnished under that Act as an application or statement, as the case requires, under this Act, and when so treated, such application or statement shall be deemed an application or statement under this Act.

Idem

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of increments to which any eligible person is entitled under this Act, but if any such arrangement is made with a person who is not subject to the provisions of section 10, the Minister shall take all steps necessary to ensure that any information coming to such person's knowledge concerning any beneficiary or applicant is not divulged or disclosed to any person not legally entitled thereto.

Delegation of power

(3) Where an arrangement is entered into under subsection 2, the Minister may in writing delegate the exercise or discharge of any power or duty conferred or imposed upon him by this Act, including a discretion, and where the exercise of any discretion is delegated, the Minister shall in writing define the extent to which and, where applicable, the terms upon which the discretion is exercisable, and every delegation made under this subsection may be revoked or may be made upon such conditions as the Minister may impose to ensure the carrying out of the purposes of this Act and compliance with its provisions.

Approval of application after month in which received

4.—(1) Where an application is approved after the last day of the month in which it is received, the approval may be effective as of such earlier date, not prior to the day on which the application was received, as may be prescribed.

Application after eligibility

(2) Notwithstanding subsection 1, where the qualifying date of an applicant occurred before the day on which his application is received, the approval of the application may be effective as of such earlier day, not before the later of,

(*a*) a day one year before the day on which the application was received; or

(*b*) the day on which the applicant's qualifying date occurred,

as may be prescribed.

Continuation of payments

(3) Subject to this Act and the regulations, an increment shall continue to be paid during the lifetime of a beneficiary, and shall cease with the payment for the month in which the beneficiary dies.

When increment payable

(4) Payment of an increment for any month shall be made at any time during the month, except that where payment of an increment in respect of any fiscal year is approved after the end of the month for which the first payment of the increment may be made, payments thereof for the month in which the payment of the increment is approved and for months preceding that month may be made during the two months following the month in which payment of the increment is approved.

Minimum increment

(5) Where the increment to which a beneficiary is entitled in any month is more than zero and less than $2.50,

the beneficiary shall be paid an increment in the amount of $2.50 for that month.

Statement of income to be made

5.—(1) Every applicant in respect of a current fiscal year shall in his application make a statement of his income for the base calendar year.

Additional statement where retirement in current fiscal year

(2) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income, other than his estimated income from that office or employment or from that business, as the case may be, for the calendar year in which he ceased to hold that office or employment or ceased to carry on that business, in which case,

(*a*) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

(*b*) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional statement where loss of private pension income in current fiscal year

(3) Where in any current fiscal year an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the fiscal year next following the current fiscal year, in addition to making the statement of his income required by

subsection 1 in the case of an applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse, file a statement of his estimated income for the calendar year in which he suffered that loss, other than private pension income received by him in that part of that calendar year that is before the month in which he suffered that loss, in which case,

(*a*) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income for that calendar year,

plus

(*b*) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional statement where retirement before current fiscal year

(4) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has ceased to hold an office or employment previously held by him or has ceased to carry on a business previously carried on by him, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing his statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

(*a*) where he ceased to hold that office or employment or to carry on that business in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or

(*b*) where he ceased to hold that office or employment or to carry on that business in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year showing any

income actually received by him in that calendar year from that office or employment or from that business, as the case may be, in which case,

(i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no income from that office or employment or from that business, as the case may be, and no defined income in that calendar year,

plus

(ii) any defined income received by him in that part of that calendar year that is after the month in which he ceased to hold that office or employment or ceased to carry on that business,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Additional statement where loss of private pension income before current fiscal year

(5) Where, in the base calendar year or in the last three months of the previous fiscal year, an applicant, or an applicant's spouse who has filed a statement as described in clause *a* of subsection 2 of section 6, has suffered a loss of income due to termination or reduction of private pension income, the applicant or the applicant's spouse, as the case may be, may, not later than the end of the current fiscal year, in addition to making the statement of his income required by subsection 1 in the case of the applicant, or in addition to filing a statement as described in clause *a* of subsection 2 of section 6 in the case of the applicant's spouse,

(*a*) where he suffered that loss in the base calendar year, file a statement of his estimated income for the calendar year ending in the current fiscal year, in which case his income for that calendar year shall be deemed to be his income for the base calendar year; or

(*b*) where he suffered that loss in the last three months of the previous fiscal year, file a statement of his estimated income for the calendar year ending in the current fiscal year, showing the amount of private pension income actually received by him in

that part of that calendar year that is before the month in which he suffered that loss, in which case,

(i) his income for that calendar year, calculated as described in clause *k* of section 1 and as though he had no defined income in that calendar year,

plus

(ii) any defined income received by him in that part of that calendar year that is after the month next before the month in which he suffered that loss,

divided by the number of months in that part of that calendar year and multiplied by twelve, shall be deemed to be his income for the base calendar year.

Where statement filed under subs. 2 or 3

(6) Where, under subsection 2 or 3, a statement of estimated income is filed by an applicant or by an applicant's spouse, no increment calculated on the basis of that statement may be paid to the applicant for any month in the current fiscal year before,

(*a*) the month next following the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, ceased to hold the office or employment previously held by him or ceased to carry on the business previously carried on by him; or

(*b*) the month shown in the statement as the month in which the applicant or the applicant's spouse, as the case may be, suffered the loss of income due to termination or reduction of private pension income,

as the case may be.

Reduction of income for the base calendar year

(7) For the purpose of facilitating a payment of an increment to a beneficiary, and for the purpose of making the same amount of increment payable to every beneficiary whose increment, calculated in accordance with this Act (other than this subsection) and the regulations, is more or less in the same amount, the Minister may reduce,

(*a*) the income for the base calendar year of any beneficiary by an amount that shall not exceed $23.99; or

(*b*) the aggregate incomes for the base calendar year of any beneficiary and the spouse of that beneficiary by an amount that shall not exceed $47.99,

and such income or incomes, when so reduced, shall be deemed to be the income for the base calendar year of the beneficiary or the aggregate incomes for the base calendar year of the beneficiary and his spouse, as the case may be, but no reduction authorized by this subsection shall be made if it will reduce the amount of the increment to which a beneficiary is entitled.

Statement of marital status

6.—(1) Every application in respect of a fiscal year shall state whether the applicant is married on the day on which the application is made or the last day of the previous fiscal year, whichever is the earlier day, and, if so, the name and address of his spouse and whether, to his knowledge, his spouse is in receipt of an increment.

Statement by spouse

(2) Subject to subsection 3, where an application in respect of a fiscal year is made by a person who, on the day on which his application is made or the last day of the previous fiscal year, whichever is the earlier day, is married, the application shall not be considered or dealt with unless,

(*a*) the applicant's spouse has filed a statement in prescribed form of the spouse's income for the base calendar year; or

(*b*) an application in respect of the current fiscal year has been received from the applicant's spouse.

Direction by Minister where no statement filed by spouse or where spouses living apart

(3) Where an application in respect of a fiscal year is made by a person, the Minister,

(*a*) may, without a hearing and after such investigation of the circumstances as he deems necessary, in any case where,

(i) no statement or application under subsection 2 is filed or received from the spouse of the person, or

(ii) he is satisfied that the person, as a result of circumstances not attributable to him or his spouse, was not living with his spouse in a dwelling maintained by him or his spouse at the time the application was made; and

(*b*) shall, where he is satisfied that on the last day of the previous fiscal year, the person was living separate and apart from his spouse and had lived so separate and apart for a period of not less than one year immediately before that day,

direct that the application be considered and dealt with as though the person was not married on the last day of the previous fiscal year.

Review of direction

(4) Where, after the Minister has made a direction under subsection 3 with respect to an application made in respect of a fiscal year by a person other than a person to whom clause *b* of subsection 3 applies, a statement or application under subsection 2 is filed by or received from the applicant's spouse, the Minister may review the direction and may after his review direct that any increment paid to the applicant or his spouse for months in that fiscal year following the month in which the review is made be calculated as if,

(*a*) the applicant and his spouse were in fact married on the last day of the previous fiscal year; or

(*b*) the applicant and his spouse had not been married on the last day of the previous fiscal year.

Direction by Minister where marital status changes in current fiscal year

(5) Where an application in respect of a fiscal year is made by a person, and at any time in that fiscal year the person,

(*a*) ceases to live separate and apart from his spouse in the case of a person referred to in clause *b* of subsection 3;

(*b*) is married; or

(*c*) ceases to be married as a result of the death of his spouse or otherwise,

the Minister may, where he is requested to do so by that person, direct that any increment paid to that person, or except where clause *c* applies, to that person or his spouse for any months in that fiscal year following the month in which the direction is made, be calculated,

(*d*) where clause *a* or *b* applies, as though the person and his spouse had been married on the last day of the previous fiscal year; and

(*e*) where clause *c* applies, as though the person had not been married on the last day of the previous fiscal year.

Saving provision

(6) Nothing in subsection 5 shall be construed to limit or restrict the authority of the Minister to make any direction under subsection 3 or 4, and no hearing is required to be held prior to the making of any such direction.

Adjustment of increment

7.—(1) Where an application in respect of a fiscal year is approved, and it is subsequently determined that the income of the applicant for the base calendar year calculated as required by this Act (hereinafter referred to as his "actual income") does not accord with his income (hereinafter referred to as his "shown income") calculated as required by this Act on the basis of a statement required or permitted by section 5 to be made or filed by him,

(*a*) where the applicant's actual income exceeds his shown income, any amount by which the increment paid to him for months in that fiscal year exceeds the increment that would have been paid to him for those months if his shown income had been equal to his actual income, may be deducted and retained out of any subsequent payments of such increment made to him in such manner as may be prescribed; and

(*b*) where the applicant's shown income exceeds his actual income, there shall be paid to him an amount by which the increment that would have been paid to him for months in that fiscal year if his shown income had been equal to his actual income, exceeds the increment paid to him for those months.

Limitation

(2) Notwithstanding subsection 1, no amount may be deducted and retained in a fiscal year pursuant to that subsection with respect to any increment paid to a beneficiary for months before the immediately preceding fiscal year, unless,

(*a*) the beneficiary made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining such payment of increment; or

(*b*) the amount by which,

(i) the increment paid to the beneficiary for months in that fiscal year and the immediately preceding fiscal year,

exceeds,

(ii) the increment that would have been paid to the beneficiary for those months where his shown income had been equal to his actual income,

has been determined and an amount has been deducted and retained with respect thereto in accordance with this section, in which case the amount of the excess may be deducted and retained, in such manner as may be prescribed, out of any payment of increment made to him after any amount has been so deducted and retained.

Minister to consider applications

8.—(1) The Minister forthwith upon receiving an application shall consider the application, and he may,

(*a*) approve payment of an increment and determine the amount thereof that may be paid to the applicant; or

(*b*) determine that no increment may be paid to the applicant.

Minister to furnish particulars

(2) Where particulars of the basis on which the amount of any increment that may be paid to an applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no increment may be paid to an applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no increment may be paid and shall notify the applicant of his right of appeal under this section.

Appeal

(3) Where an applicant is dissatisfied with a determination of the Minister under subsection 1 or with the decision of the Minister under section 2 to suspend payment of an increment or with a direction of the Minister under section 6, he may appeal against the determination, decision or direction as provided for in this section to the board and the decision of the board, subject only to variation by it upon application made to it by the applicant or the Minister based on evidence not previously considered by it, is final and binding on any question that is solely a question of fact.

Appeal how commenced

(4) An appeal under this section shall be commenced by serving by registered mail or by personal service on the Minister and on the board a notice of appeal setting out the reasons for the appeal and the facts on which the appellant relies in support of his appeal.

Time for commencing appeal

(5) No appeal under this section with respect to a determination under subsection 1 shall be commenced after the expiration of sixty days from the day when written notice is given by the Minister under subsection 2 as to the particulars requested by an applicant or as to a determination of the Minister that no increment is payable.

Reply of Minister

(6) Within sixty days of the day on which a notice of appeal is served on him, the Minister shall serve by registered mail or by personal service on the appellant, or on his agent for service shown in the notice of appeal, a reply setting out the facts and reasons relied on by the Minister in opposing the appeal.

Documents to be sent to board

(7) At the time that a reply is served under subsection 6, the Minister shall forward a copy thereof to the board, together with any statement of particulars or statement of the basis of his determination given under subsection 2 or his decision made under section 2, that is material on the appeal.

Board to hear appeal

(8) When the reply of the Minister is served, the board shall appoint a time and place for the hearing of the appeal and shall so notify the appellant and the Minister, and the board shall hear the appeal, and the practice and procedure of the board, as set out in *The Family Benefits Act* and regulations made thereunder, shall, *mutatis mutandis*, apply to an appeal under this section, including any right of appeal from the decision of the board on a question that is not solely a question of fact.

R.S.O. 1970, c. 157

Powers of board

(9) In disposing of an appeal under this section, the board may *mutatis mutandis* exercise all the powers conferred upon it under *The Family Benefits Act*.

Extension of time

(10) The board may extend the time within which an appeal may be commenced under subsection 5, either before or after the expiration of the time therein specified, where it is satisfied that there are *prima facie* grounds either for claiming relief pursuant to a hearing or for an appeal and that there are reasonable grounds for applying for the extension.

Interpretation

(11) In this section, "board" means the board of review established and constituted under the provisions of *The Family Benefits Act* and regulations made thereunder.

Recovery of increment to which recipient not entitled

9.—(1) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, he shall forthwith return to the Minister such increment or excess amount, as the case may be.

Idem

(2) Where a person receives or obtains the payment of an increment to which he is not entitled or the payment of an amount in excess of the increment to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced,

(*a*) at any time, where that person made a wilful misrepresentation or committed fraud for the purpose of receiving or obtaining the amount or excess amount; or

(*b*) where clause *a* is not applicable, at any time before the end of the fiscal year next following the fiscal year in which the amount or excess amount was received or obtained,

and where that person is or subsequently becomes a beneficiary, the amount of any such indebtedness may, subject to subsection 2 of section 7, be deducted and retained out of any increment payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6*b* of *The Income Tax Act*, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act*.

R.S.O. 1970, cc. 217, 166

Information to be confidential

10.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry of Revenue is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Disclosure of information

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry of Revenue in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada, or of the Ministry of Treasury, Economics and Intergovernmental Affairs, or of the Ministry of Community and Social Services, or to any person or class of persons prescribed by the Lieutenant Governor in Council and approved by the Minister of National Health and Welfare of the Government of Canada who are administering a program of assistance payments similar in nature to the payments authorized under this Act.

(3) Notwithstanding any other Act or law, no officer, agent or employee of Her Majesty shall be required, in connection with any legal proceedings, to give evidence relating to any information that is privileged under subsection 1 or to produce any statement or other writing containing any such information. Evidence and production of documents

(4) Subsections 1 and 3 do not apply in respect of proceedings relating to the administration or enforcement of this Act. Application of subss. 1, 3

11. An increment shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security an increment is void. Increment not assignable

12.—(1) Where an applicant or a beneficiary entitled to receive an increment dies, the Minister may pay any increment to which the applicant or beneficiary was entitled at his death to the executor or administrator of his estate or, if no executor or administrator is, in the opinion of the Minister, likely to be appointed or granted letters probate, to such applicant's or beneficiary's surviving spouse or to the person who appears to the Minister to be discharging the duties of executor or administrator of the deceased applicant's or beneficiary's estate, although not so constituted or appointed by the Surrogate Court. Payment after death

(2) In the case of a beneficiary, Where increment may be paid to a trustee, etc.

(*a*) for whom a committee or trustee is acting; or

(*b*) who, in the opinion of the Minister, is using or is likely to use his increment otherwise than for his own benefit, or is incapacitated or is incapable of handling his own affairs,

the Minister may appoint a person to act on behalf of the beneficiary, and the increment may be paid for the benefit of the beneficiary to the committee or trustee or to the person so appointed.

(3) A person acting for a beneficiary under subsection 2 is not entitled to any fee or other compensation or reward or to any reimbursement for any costs or expenses incurred by him. Compensation

13. Where a deduction is made from an increment payable under this Act or from any payment under a Statute of Canada or of a province of Canada that is relevant in determining the income for the base calendar year of the person Liability to Crown not to increase increment

to whom any increment may be paid under this Act, and the deduction is made by the Crown to reduce or discharge a liability to the Crown of the person, such person's entitlement under this Act shall not thereby be increased.

Production of documents and records to Minister

14. The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any beneficiary, from the spouse of any beneficiary, or from any person, partnership, syndicate, trust or corporation holding any amount for or paying or liable to pay any amount to a beneficiary or to the spouse of a beneficiary, production or production on oath of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents or information within such reasonable time as is stipulated therein.

Offence

15.—(1) Every person who,

(*a*) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a payment of an increment under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;

(*b*) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of an increment under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;

(*c*) knowingly, converts to his own use a payment of an increment under this Act to which he is not entitled; or

(*d*) contravenes section 10 or 14,

is guilty of an offence and on summary conviction is liable to a fine of not less than $50 and not more than $300 for each offence.

Information may be for more than one offence

(2) An information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Limitation

(3) An information in respect of an offence under this Act shall be laid within five years of the time when the offence was committed.

16.—(1) The Minister may make regulations prescribing any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain. Regulations

(2) The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act, and without limiting the generality of the foregoing, may make regulations, Idem

(*a*) prescribing the amount of the guaranteed income limit;

(*b*) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive an increment and to establish the amount of such increment;

(*c*) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;

(*d*) prescribing amounts that may be included in or excluded from defined income or income for the base calendar year;

(*e*) defining intervals of absence from Ontario that shall be deemed not to have interrupted residence in Ontario;

(*f*) providing for the suspension of payment of an increment during any investigation into the eligibility of a beneficiary, and the reinstatement or resumption of the payment thereof;

(*g*) prescribing the manner in which any amount required by this Act to be deducted and retained out of any increment shall be so deducted and retained;

(*h*) providing for the making of any application, statement or notification, or the doing of any other act or thing required or permitted by this Act, by any person or agency, and for the payment of a benefit to any person or agency on behalf of any other person or beneficiary where it is established, in such manner and by such evidence as may be prescribed, that such other person or beneficiary is, by reason of

infirmity, illness, insanity or other cause, incapable of managing his own affairs, and prescribing the manner in which any increment authorized to be paid to any such person or agency shall be administered and expended for the benefit of the beneficiary and accounted for;

(*i*) fixing a date, other than the 1st day of April, for the commencement of a fiscal year for the purposes of this Act, and extending or abridging the period of any fiscal year, current fiscal year or previous fiscal year to provide for the orderly transition to the prescribed fiscal year from the fiscal year in effect prior to the prescribing of a different fiscal year under this clause;

(*j*) defining the meaning of private pension income for the purposes of this Act and the regulations; and

(*k*) prescribing, for the purposes of clause *h* of section 1, an age that is less than sixty-five years of age.

Idem

(3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys

17. The moneys required for the purposes of this Act shall, from the 1st day of July, 1974 until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Transitional provisions

18. Notwithstanding any other provision of this Act,

(*a*) every person who is an eligible person within the meaning of subclause i of clause *h* of section 1 is deemed to have applied for an increment in the month of June, 1974, to have had his application approved in that month, and to have furnished to the Minister the information that has been furnished to the Minister of National Health and Welfare with respect to the fiscal year commencing on the 1st day of April, 1974; and

(*b*) where a beneficiary is, on the 1st day of July, 1974, an eligible person within the meaning of subclause ii or iii of clause *h* of section 1 and is a person whose application is received by the Minister prior to the 1st day of August, 1975, the approval of his application may be effective as of a date that is not earlier than the 30th day of June, 1974,

and where the application of a person described in clause *a* or *b* is deemed to be approved in the month of June, 1974 or is approved as of the 30th day of June, 1974, the person may be paid an increment for the month of July, 1974.

Commencement

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. This Act may be cited as *The Ontario Guaranteed Annual Income Act, 1974*.

CHAPTER 59

An Act to amend The Municipal Franchises Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by inserting after "term" in the first line "of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or", so that the subsection shall read as follows: s. 10 (1), amended

(1) Where the term of a right referred to in clause *a*, *b* or *c* of subsection 1 of section 6 that is related to gas or of a right to operate works for the distribution of gas or to supply gas to a municipal corporation or to the inhabitants of a municipality has expired or will expire within one year, either the municipality or the party having the right may apply to the Ontario Energy Board for an order for a renewal of or an extension of the term of the right. Application to Energy Board for renewal, etc., of gas franchise, etc.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Municipal Franchises Amendment Act, 1974*. Short title

CHAPTER 60

An Act to amend The Health Insurance Act, 1972

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Health Insurance Act, 1972*, being chapter 91, is repealed and the following substituted therefor: s. 5 (1), re-enacted

(1) The Medical Review Committee established by *The Health Services Insurance Act* is continued as a committee of the College of Physicians and Surgeons consisting of, Medical Review Committee R.S.O. 1970, c. 200

(*a*) not more than six members appointed by the Minister from among the persons nominated for such purpose by the College of Physicians and Surgeons; and

(*b*) two members who are not physicians or practitioners, appointed by the Minister.

(1*a*) Three members of the Medical Review Committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the Committee. Quorum

(2) The said section 5 is amended by adding thereto the following subsection: s. 5, amended

(2*a*) The Medical Review Committee shall be paid such amounts for the administration expenses of the Committee and the engaging of assistance for the Committee as may be approved by the Minister. Administration expenses

2. The said Act is amended by adding thereto the following section: s. 5*a*, enacted

PRACTITIONER REVIEW COMMITTEES

Practitioner review committees

5*a*.—(1) The Minister shall appoint the following practitioner review committees:

1. A Chiropody Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Regents appointed under *The Chiropody Act*.

R.S.O. 1970, c. 70

2. A Chiropractic Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Chiropractic appointed under *The Drugless Practitioners Act*.

R.S.O. 1970, c. 137

3. A Dentistry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by The Royal College of Dental Surgeons of Ontario.

4. An Optometry Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the College of Optometrists of Ontario.

5. An Osteopathy Review Committee composed of two members who are not physicians or practitioners and three members from among the persons nominated by the Board of Directors of Osteopathy appointed under *The Drugless Practitioners Act*.

Quorum

(2) Three members of a practitioner review committee, one of whom shall be a member who is not a physician or practitioner, constitute a quorum of the committee.

Remuneration

(3) The members of a practitioner review committee shall be paid such remuneration for their services, on an hourly basis, a daily basis or otherwise, as the Lieutenant Governor in Council determines.

Administration expenses

(4) Every practitioner review committee shall be paid such amounts for the expenses of the committee and the engaging of assistance for the committee as may be approved by the Minister.

(5) No member of a practitioner review committee shall be employed in the public service of Ontario or by any agency of the Crown. Qualifications of members

(6) Every practitioner review committee shall make recommendations to the General Manager on any matter referred to it under section 22 and shall make reports and recommendations respecting any matter referred to it by this Act or the regulations or by the Minister or the Appeal Board and shall perform such other duties as are assigned to it by this Act or the regulations. Duties

3. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) A resident who is unable to make payment of his premiums due to unemployment, illness, disability or financial hardship may apply to the General Manager for assistance in establishing or continuing his entitlement to insured services and, subject to section 24, the General Manager may direct that the applicant be relieved of the payment of the whole or any part of his premium during his unemployment, illness, disability or financial hardship. Application for temporary assistance

4. Subsections 1 and 2 of section 15 of the said Act are repealed and the following substituted therefor: s. 15 (1, 2), re-enacted

(1) In this section, "employees" includes the employer of the employees if the employer is an individual or a member of a partnership. Interpretation

(2) Where the number of employees of an employer totals fifteen or more, the employees who are residents of Ontario are a mandatory group. Mandatory group

(2*a*) Where the number of employees of an employer totals more than five but fewer than fifteen, the General Manager may upon application therefor designate the employees who are residents of Ontario as a mandatory group. Voluntary creation of mandatory group

5.—(1) Subsection 2 of section 22 of the said Act is repealed and the following substituted therefor: s. 22 (2), re-enacted

(2) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a physician, it appears to the General Manager on reasonable grounds that, Refusal or reduction of claims

(*a*) all or part of the insured services were not in fact rendered;

(*b*) all or part of such services were not medically necessary;

(*c*) all or part of such services were not provided in accordance with accepted professional standards and practice; or

(*d*) the nature of the services is misrepresented,

the General Manager shall refer the matter to the Medical Review Committee and the Medical Review Committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the Committee.

s. 22, amended

(2) The said section 22 is amended by adding thereto the following subsection:

Idem

(3) Notwithstanding any action taken by the General Manager under subsection 1, where, in respect of insured services rendered by a practitioner who is engaged in the practice of a health discipline in respect of which a practitioner review committee has been appointed under this Act, it appears to the General Manager on reasonable grounds that,

(*a*) all or part of the insured services were not in fact rendered;

(*b*) all or part of such services were not therapeutically necessary;

(*c*) all or part of such services were not provided in accordance with accepted professional standards and practice; or

(*d*) the nature of the services is misrepresented,

the General Manager shall refer the matter to the practitioner review committee appointed in respect of the health discipline in which the practitioner is engaged in practice and the practitioner review committee may recommend to the General Manager that he pay, or refuse or reduce payment of, or require and recover reimbursement of any overpayment of, the amount otherwise payable and, subject to sections 24 to 28, the General Manager shall carry out the recommendations of the committee.

(3) The said section 22 is further amended by adding thereto the following subsection: s. 22, amended

(4) The General Manager may deduct from the amount payable by the Plan to a physician or practitioner an amount that shall be retained by the Plan equal to the amount of any overpayment by the Plan to the physician or practitioner. Deduction re overpayment

6. Clause *c* of subsection 1 of section 24 of the said Act is amended by adding at the end thereof "to an amount less than the amount payable by the Plan". s. 24 (1) (*c*), amended

7.—(1) Subsection 1 of section 29 of the said Act is amended by inserting after "2" in the third line "or 3". s. 29 (1), amended

(2) Subsection 2 of the said section 29 is amended by inserting after "2" in the fourth line "or 3" and by striking out "and any amount of such difference or part thereof paid by the insured person is a debt due by the physician or practitioner to the insured person, recoverable in a court of competent jurisdiction" in the ninth, tenth, eleventh and twelfth lines. s. 29 (2), amended

(3) The said section 29 is amended by adding thereto the following subsection: s. 29, amended

(3) Where the claim for an account of a physician or practitioner referred to in subsection 2 is reduced by the General Manager on any of the grounds referred to in subsection 2 and an amount in excess of the amount to which the claim is reduced, Recovery of excess payment

(*a*) is paid by the Plan to the insured person and by the insured person to the physician or practitioner and is not repaid by the physician or practitioner to the Plan; or

(*b*) is paid by the Plan to the insured person and,

(i) is not paid to the physician or practitioner, or

(ii) is paid to the physician or practitioner and repaid to the insured person,

and is not repaid to the Plan,

the Minister may bring action in a court of competent jurisdiction to recover such excess amount with costs,

(*c*) in the circumstances set out in clause *a*, from the physician or practitioner; or

(*d*) in the circumstances set out in clause *b*, from the insured person.

s. 43 (1), amended

8.—(1) Subsection 1 of section 43 of the said Act is amended by striking out "and practitioners" in the sixth and seventh lines.

s. 43, amended

(2) The said section 43 is amended by adding thereto the following subsection:

(1*a*) The Minister, from among persons nominated for such purpose by a body referred to in section 5*a* that nominates persons for appointment to a practitioner review committee in respect of a health discipline, may appoint in writing practitioner and financial inspectors with the duty and power to inspect, examine and audit books, accounts, reports and records maintained in hospitals and health facilities, offices of practitioners and other health care facilities respecting patients who are receiving or who have received insured services provided by or at the direction of one or more practitioners engaged in the practice of the health discipline in respect of which the practitioner review committee has been appointed, and such practitioner and financial inspectors shall act only at the direction of such practitioner review committee.

s. 43 (2), amended

(3) Subsection 2 of the said section 43 is amended by inserting after "medical" in the first line "or practitioner".

s. 44 (1), amended

9. Subsection 1 of section 44 of the said Act is amended by inserting after "Committee" in the first line "every practitioner review committee".

s. 45, amended

10. Section 45 of the said Act is amended by inserting after "Committee" in the first line "practitioner review committees".

s. 48, amended

11. Section 48 of the said Act is amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(*e*) ceases to carry on its undertaking,

. . . . . .

12. Clause *s* of section 51 of the said Act is amended by inserting after "Committee" in the second line "practitioner review committees". s. 51 (*s*), amended

13.—(1) This Act, except subsections 1 and 3 of section 5, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 1 and 3 of section 5 shall be deemed to have come into force on the 1st day of April, 1972. Idem

14. This Act may be cited as *The Health Insurance Amendment Act, 1974*. Short title

CHAPTER 61

An Act to amend The Public Health Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause: s. 1, amended

(*na*) "Ministry" means the Ministry of Health.

2. The said Act is amended by adding thereto the following sections: ss. 2*a*-2*c*, enacted

2*a*.—(1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments and in an appointment may limit the authority of an inspector in such manner as the Minister considers necessary or advisable. Appointment of inspectors

(2) The Minister shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. Certificate of appointment

2*b*.—(1) An inspector appointed under section 2*a* or employed by a local board may at all reasonable times enter any business premises that are licensed or registered or the owner, user or operator of which is licensed or registered under this Act or the regulations to ensure that the provisions of this Act or the regulations to which his appointment or employment extends are complied with. Powers of inspectors

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the Order authorizing entry

administration of this Act or the regulations, the provincial judge may issue an order authorizing an inspector to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries and to make, take and remove or require to be made, taken or removed samples, copies or extracts, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, by the order, to so act at another time.

Director or other officer may require inspection

(3) Where a Director or other officer of the Ministry having authority or power to issue licences or make registrations under any section of this Act or the regulations has reasonable and probable grounds to believe that any person is acting or that any institution, building or place other than a private dwelling is being used without being licensed or registered as required by this Act or the regulations, the Director or other officer of the Ministry may direct an inspector to make an inspection and the inspector at any reasonable time may enter the institution, building or place other than a private dwelling to make an inspection for the purpose of determining whether or not any person is in contravention of any section of this Act or the regulations in respect of such licensing or registration.

Making of copies

(4) Upon an inspection under this section, the inspector may upon giving a receipt therefor remove any material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected.

Admissibility of copies

(5) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

Protection from personal liability

2*c*.—(1) No action or other proceeding for damages shall be instituted against an inspector appointed under section 2*a* or a Director or other officer of the Ministry having authority or power to issue licences or make registrations or to direct an inspector to make an inspection under any section of this Act or the regulations or anyone acting under the direction of such Director or other officer of the Ministry or inspector appointed under section 2*a* for any

act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Crown not relieved of liability R.S.O. 1970, c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

3. Paragraph 31 of section 6 of the said Act is amended by striking out "summer" in the first line and inserting in lieu thereof "recreational". s. 6, par. 31, amended

4. Subsections 2, 3, 5 and 6 of section 13 of the said Act are repealed and the following substituted therefor: s. 13 (2, 3), re-enacted s. 13 (5, 6), repealed

in cities and in towns of 4,000 or over

(2) In a city and in every town having a population of 4,000 or over according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor and four resident ratepayers to be appointed annually by the council at its first meeting in every year.

in cities over 100,000

(3) In a city having a population of 100,000 or over according to the enumeration of the assessors for the last preceding year, the council may by by-law provide that the local board shall consist of the mayor and,

(*a*) six resident ratepayers, at least two of whom are not members of the council; or

(*b*) eight resident ratepayers, at least three of whom are not members of the council.

5. Subsections 2 and 5 of section 40 of the said Act are repealed and the following substituted therefor: s. 40 (2), re-enacted s. 40 (5), repealed

Age of retirement of M.O.H.

(2) Every medical officer of health shall cease to hold office upon attaining sixty-five years of age but the municipal council, with the approval of the Minister, may continue a medical officer of health in office from year to year until he attains the age of seventy years.

6. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 1, is further amended by striking out "45*n*" in the first line and inserting in lieu thereof "45*q*". s. 45, amended

s. 45*d*, amended

7. Section 45*d* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 3, is further amended by adding thereto the following subsections:

Conditions to laboratory licence

(9*a*) It is a condition of a licence for a laboratory that,

(*a*) the performance of tests in the laboratory meet the generally accepted standards of proficiency in such tests;

(*b*) the owner and the operator of the laboratory submit the performance of tests in the laboratory to examinations and evaluations of proficiency carried out by the agency designated in the regulations;

(*c*) the owner of the laboratory pay the fees prescribed by the regulations for the examinations and evaluations by the agency designated in the regulations of proficiency in the performance of tests in the laboratory.

Idem

(9*b*) Where an agency designated in the regulations to examine and evaluate proficiency in the performance of tests, reports to the Director that the performance of a test in a laboratory does not meet the generally accepted standard of proficiency in the performance of the test, the Director may impose such conditions upon the licence in respect of the performance of the test in the laboratory as the Director considers necessary or advisable in order that the health of the public may be protected.

s. 45*f* (1), re-enacted

8. Subsection 1 of section 45*f* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed and the following substituted therefor:

Proposal to refuse to issue, revoke or impose condition

(1) Where the Director proposes to revoke or to refuse to issue or renew a licence or to impose a condition on an existing licence under this Act, the Director shall serve notice of his proposal, together with written reasons therefor, on the applicant in the case of a proposal to refuse to issue or renew the licence and on the owner and operator in the case of a proposal to revoke or to impose a condition on the licence.

s. 45*n*, amended

9. Section 45*n* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, and amended by 1973, chapter 130, section 7, is further amended by adding thereto the following clauses:

(*o*) prescribing fees in respect of classes of tests for examinations and evaluations of proficiency in the performance of tests in laboratories;

(*p*) designating an agency or agencies to carry out examinations and evaluations of proficiency in the performance of tests in laboratories.

10. The said Act is further amended by adding thereto the following sections: ss. 45*o*-45*q*, enacted

Agreement

45*o*. The Minister may enter into an agreement with an agency or agencies designated in the regulations to provide for the examination and evaluation of the performance of tests in laboratories including the manner and frequency of such examinations and evaluations, the reports thereon and payment therefor.

Committee

45*p*. The Minister may establish a committee of not fewer than five persons for the purpose of recommending to the Minister standards and procedures for the evaluation of proficiency in the performance of tests in laboratories.

Moneys

45*q*. The moneys required for the administration of the program of examining and evaluating the performance of tests in laboratories shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

11. Section 87 of the said Act is repealed and the following substituted therefor: s. 87, re-enacted

Inspection of premises

87.—(1) The medical officer of health of a municipality or any inspector or other person in the employ of the local board acting under his instructions may enter any premises in the municipality, and an inspector appointed under section 2*a* may enter any premises, at all reasonable times and inspect and examine the premises for the purpose of carrying out this Act and may take such action as he considers necessary for carrying it out including, where he finds that a condition exists in or about the premises that,

(*a*) is dangerous or is likely to become dangerous to health or safety; or

(*b*) hinders or is likely to hinder the prevention, mitigation or suppression of disease,

the making of an order that the premises be closed and remain closed until the condition no longer exists in or about the premises, and any person in charge of the premises for the time being shall render such assistance as is necessary to make such entry, inspection and examination.

Form of order closing premises

(2) An order closing premises under subsection 1,

(*a*) shall be in writing and shall include written reasons for the order; and

(*b*) may be directed to the owner or a person in charge of the premises.

Revocation of order

(3) The person who has issued an order closing premises pursuant to subsection 1 may by a further order revoke the order and in such case shall serve or cause to be served a copy of the order on the person to whom the order closing the premises was directed.

Interpretation

87*a*.—(1) In this section and in sections 87*b* and 87*c*, "Board" means the Health Facilities Appeal Board established under *The Ambulance Act*.

R.S.O. 1970, c. 20

Notice

(2) An order closing premises referred to in subsection 2 of section 87 shall inform the person to whom it is directed that the owner or the person in charge of the premises is entitled to a hearing by the Board if he mails or delivers to the person who made the order and to the Board, within fifteen days after a copy of the order is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of order

(3) Notwithstanding that a hearing is required in respect of an order closing premises, the order is effective at and from the time it is served upon the person to whom it is directed and is further effective until revoked or as confirmed or varied or until rescinded as provided by subsection 4 and such person shall comply with the order immediately.

Powers of Board

(4) Where the owner or the person in charge of the premises requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its finding for that of the person who made the order closing the premises.

Extension of time for requiring hearing

(5) The Board may extend the time for the giving of notice requiring a hearing by the owner or a person in charge of the premises under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the owner or a person in charge of the premises pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

87*b*.—(1) The person who has made the order closing the premises pursuant to section 87, the owner or person in charge of the premises who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 87*a* shall afford the owner or person in charge of the premises a reasonable opportunity to show before the hearing that the condition referred to in section 87 does not exist or no longer exists in or about the premises. Notice of hearing

(3) Any party to proceedings under section 87*a* shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

Appeal to court

87*c*.—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to be filed in court

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Minister entitled to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court on appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order closing the premises and to substitute its finding as to the condition of the premises for that of the person who made the order closing the premises as the court considers proper and for such purposes the court may substitute its opinion for that of the person who made the order closing the premises or of the Board, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Service of order or notice

87*d*. Except where otherwise provided, any order or notice required by sections 87 to 87*c* to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date.

s. 118 (2), re-enacted

12. Subsection 2 of section 118 of the said Act is repealed and the following substituted therefor:

Other offences

(2) Any person who contravenes any other provision of this Act or of the regulations for which no other penalty is provided or of any municipal by-law passed under this Act, or who wilfully disobeys or neglects to carry out any order or direction lawfully made or given by the Ministry, an inspector appointed under section 2*a*, a local board, medical officer of

health or public health inspector, is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than six months, or to both.

Idem (2*a*) Where a corporation is convicted of an offence under subsection 2, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Directors and officers (2*b*) Where a corporation has been convicted of an offence under subsection 2,

(*a*) each director of the corporation; and

(*b*) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he had no knowledge of any of the acts constituting the offence, and could not reasonably be expected to have had such knowledge and that he exercised reasonable diligence to prevent the commission of the offence.

13. Paragraph 29 of Schedule B to the said Act is repealed. Sched. B, par. 29, repealed

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

15. This Act may be cited as *The Public Health Amendment Act, 1974*. Short title

CHAPTER 62

An Act to amend The Milk Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 162, section 7, is further amended by adding thereto the following paragraph: s. 18, amended

19*a*. providing for,

(*a*) the control of the quality of milk by the imposing on and collecting from a producer of penalties where any milk supplied by the producer fails to comply with the standards of quality for such milk prescribed by the regulations or is produced on premises or with equipment that fails to comply with the regulations and, without limiting the generality of the foregoing, where such milk,

(i) contains any substance prohibited by the regulations,

(ii) contains a substance in excess of the amount thereof permitted by the regulations, or

(iii) has a substance removed therefrom contrary to the regulations;

(*b*) the terms and conditions under which, and the times at which, the penalties are payable;

(*c*) the amount of the penalties and the method by which the penalties are calculated;

(*d*) the payment of the penalties to the marketing board constituted to administer any plan established for the control and regulation of the marketing of milk under this Act; and

(*e*) the use of the penalties by such marketing board for the purposes mentioned in paragraph 19 of subsection 1 of section 8.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Milk Amendment Act, 1974 (No. 2)*.

CHAPTER 63

The Juries Act, 1974

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "county" includes a district;

(*b*) "county court" includes a district court;

(*c*) "Director of Assessment" means the Executive Director of the Assessment Division of the Ministry of Revenue;

(*d*) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 230, s. 1; 1973, c. 81, s. 1, *amended*.

ELIGIBILITY

Eligible jurors

2. Subject to sections 3 and 4, every person who,

(*a*) resides in Ontario;

(*b*) is a Canadian citizen; and

(*c*) in the year preceding the year for which the jury is selected had attained the age of eighteen years or more and had not attained the age of sixty-nine years or more,

is eligible and liable to serve as a juror on juries in the Supreme Court and in all courts of civil or criminal jurisdiction in the county in which he resides. 1973, c. 81, s. 2, *amended*.

Ineligible occupations

3.—(1) The following persons are ineligible to serve as jurors:

1. Every member of the Privy Council of Canada or the Executive Council of Ontario.

2. Every member of the Senate, the House of Commons of Canada or the Assembly.

3. Every judge.

4. Every barrister and solicitor and every student-at-law.

5. Every legally qualified medical practitioner and veterinary surgeon who is actively engaged in practice and every coroner.

6. Every person engaged in the enforcement of law including, without restricting the generality of the foregoing, sheriffs, wardens of any penitentiary, superintendents, jailers or keepers of prisons, correctional institutions or lockups, sheriff's officers and constables, police officers and constables, and officers of a court of justice.

7. The husband or wife of each person mentioned in paragraph 3, 4 or 6.

8. Every ordained minister, priest or clergyman under any form or profession or of any faith or worship, licensed to perform marriages in Ontario.

9. Every person who is a member of a religious order vowed to live in a convent, monastery or other like religious community. R.S.O. 1970, c. 230, s. 3 (1); 1973, c. 81, s. 5.

Connection with court action at same sittings

(2) Every person who is under subpoena or is likely to be called as a witness in a civil or criminal proceeding or has an interest in an action is ineligible to serve as a juror at any sittings of a court at which such proceeding or action might be tried.

Previous service

(3) Every person who, at any time within three years preceding the year for which the jury roll is prepared, has received fees for service after selection from the roll prepared under this Act or any predecessor thereof is ineligible to serve as a juror in that year. R.S.O. 1970, c. 230, s. 3 (3), *amended*.

Ineligibility for personal reasons

4. A person is ineligible to serve as a juror who,

(*a*) is infirm, decrepit or afflicted with blindness, deafness or other physical infirmity incompatible with the discharge of the duties of a juror;

(*b*) is not in the possession of his natural faculties; or

(*c*) has been convicted of an indictable offence, unless he has subsequently been granted a pardon. 1973, c. 81, s. 4.

PREPARATION OF JURY ROLLS

Number of jurors on roll

5.—(1) The sheriff of a county shall on or before the 15th day of September in each year determine for the ensuing year for the county,

(*a*) the number of jurors that will be required for each sittings of,

(i) the Supreme Court,

(ii) the court of general sessions of the peace in the county, and

(iii) the county court in the county;

(*b*) the number of persons that will be required for selection from the jury roll for the purposes of any other Act; and

(*c*) the aggregate number of persons that will be so required.

Number of jurors in districts

(2) In a provisional judicial district, after the sheriff has determined the number of persons that will be required for service during the ensuing year, he shall fix the total number of persons that shall be selected from municipalities, and the total number that shall be selected from territory without municipal organization.

Transmission of resolutions

(3) The sheriff shall forthwith upon making his determination under subsection 1 certify and transmit,

(*a*) to the Director of Assessment,

(i) a copy of the determination declaring the aggregate number of persons required for the jury roll in the county in the ensuing year, and

(ii) a statement of the numbers of jury service notices to be mailed to persons in the county;

(*b*) to the office of the Registrar of the Supreme Court, a copy of the determination for the number of jurors under subclause i of clause *a* of subsection 1; and

(*c*) to the clerk of the county court in the county, copies of the determinations for the number of jurors under subclauses ii and iii of clause *a* of subsection 1. 1973, c. 81, s. 5, *part, amended*.

Jury service notices

6.—(1) The Director of Assessment shall in each year on or before the 31st day of October cause a jury service notice, together with a return to the jury service notice in the form prescribed by the regulations and a prepaid return envelope addressed to the sheriff of the county, to be mailed by first class mail to the number of persons in each county specified by the sheriff in his statement, and selected in the manner provided for in this section.

Selection of persons notified

(2) The persons to whom jury service notices are mailed under this section shall be selected by the Director of Assessment at random from persons who, from information obtained at the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*,

R.S.O. 1970, c. 32

(*a*) at the time of the census, resided in the county and were Canadian citizens; and

(*b*) in the year preceding the year for which the jury is selected, are of or will attain the age of eighteen years or more and are not of and will not attain the age of sixty-nine years or more,

and the number of persons selected from each municipality in the county shall bear approximately the same proportion to the total number selected for the county as the total number of persons eligible for selection in the municipality bears to the total number eligible for selection in the county, as determined by such census.

Application of subs. 2 to municipalities in districts

(3) In a provisional judicial district for the purposes of subsection 2, all the municipalities in the district shall together be treated in the same manner as a county from which the number of jurors required is the number fixed under subsection 2 of section 5 to be selected from municipalities.

Address for mailing

(4) The jury service notice to a person under this section shall be mailed to him at the address shown for him in the most recent census of the inhabitants of the county under section 23 of *The Assessment Act*.

Return to jury service notice

(5) Every person to whom a jury service notice is mailed in accordance with this section shall accurately and truthfully complete the return and shall mail it to the sheriff of the county within five days after receipt thereof.

When service deemed made

(6) For the purposes of subsection 5, the notice shall be deemed to have been received on the third day after the day of mailing unless the person to whom the notice is mailed establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control did not receive the notice or order, or did not receive the notice or order until a later date.

List of notices given

(7) The Director of Assessment shall furnish to the sheriff of the county a list of persons in the county arranged alphabetically to whom jury service notices were mailed under this section forthwith after such mailing and the list received by the sheriff purporting to be certified by the Director of Assessment is, without proof of the office or signature of the Director of Assessment, receivable in evidence in any action or proceeding as *prima facie* proof of the mailing of jury service notices to the persons shown on the list.

Indian reserves

(8) In the selecting of persons for entry in the jury roll in a county or district in which an Indian reserve is situate, the sheriff shall select names of eligible persons inhabiting the reserve in the same manner as if the reserve were a municipality and, for the purpose, the sheriff may obtain the names of inhabitants of the reserve from any record available. 1973, c. 81, s. 5, *part, amended.*

Sheriff to prepare jury roll

7. The sheriff shall in each year prepare a roll called the jury roll in the form prescribed by the regulations. 1973, c. 81, s. 5, *part, amended.*

Entry of names in jury roll

8.—(1) The sheriff shall open the returns to jury service notices received by him and shall cause the name, address, age and occupation of each person making such a return, who is shown by the return to be eligible for jury service, to be entered in the jury roll alphabetically arranged and numbered consecutively.

Omission of names

(2) The sheriff may, with the written approval of the local judge of the High Court, omit the name from the roll where it appears such person will be unable to attend for jury duty.

Supplementary names

(3) The sheriff may request the Director of Assessment to mail such number of additional jury service notices and forms of returns to jury service notice as in the opinion of the sheriff are required.

Supplying of supplementary names

(4) Upon receipt of a request from the sheriff under subsection 3, the Director of Assessment shall forthwith carry out such request and for such purpose section 6 applies *mutatis*

mutandis with respect to the additional jury service notices requested by the sheriff to be mailed. 1973, c. 81, s. 5, *part, amended.*

Selection from unorganized territory

(5) In a provisional judicial district, the sheriff shall select names of eligible persons who reside in the district outside territory with municipal organization in the numbers fixed under subsection 2 of section 5 and for the purpose may have recourse to the latest polling list prepared and certified for such territory, and to any assessment or collector's roll prepared for school purposes and may obtain names from any other record available. 1973, c. 81, s. 7, *part, amended.*

Certification of roll

9. As soon as he has completed the jury roll but not later than the 31st day of December in each year, the sheriff shall certify the roll to be the proper roll prepared as the law directs and shall deliver notice of the certification to the local judge of the High Court, but the judge may extend the time for delivery for such reasons as he considers sufficient. 1973, c. 81, s. 5, *part, amended.*

Extension of times

10. The Chief Justice of the High Court may, upon the request of the sheriff of a county, extend any times prescribed by this Act in connection with the preparation of the jury roll for the county to such date as he considers appropriate and may authorize the continued use of the latest jury roll until the dates so fixed. 1973, c. 81, s. 5, *part, amended.*

Additions to roll by sheriff

11.—(1) Where there are no persons or not a sufficient number of persons on the proper jury roll, or where there is no jury roll for the year in existence, the sheriff may supply names of eligible jurors from the jury roll for the nearest preceding year for which there is a jury roll or certified copy thereof in existence.

Certification of additions by sheriff

(2) The names supplied to the jury roll under this section shall be entered thereon and certified by the sheriff. R.S.O. 1970, c. 230, s. 43, *amended.*

JURY PANELS

Issuance of precepts

12.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme Court, and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may respectively issue precepts in the form prescribed by the regulations to the sheriff for the return of such number of jurors as the sheriff has determined as the number to be drafted and returned or such greater or lesser number as in their or his opinion is required. R.S.O. 1970, c. 230, s. 45 (1), *amended.*

(2) The proper officer in the office of the Registrar of the Supreme Court at Toronto, shall procure the precepts for the return of panels of jurors required for the sittings of the Supreme Court, and transmit them to the sheriffs as soon as conveniently may be after the day has been appointed for the sittings for which the jurors are required. R.S.O. 1970, c. 230, s. 50. Precepts to be sent to sheriffs

13.—(1) Where a judge of the Supreme Court considers it necessary that the jurors to form the panel for a sittings of the Supreme Court be summoned in more than one set, he may direct the sheriff to return such number of jurors in such number of sets on such day for each set as he thinks fit. R.S.O. 1970, c. 230, s. 52 (1), *amended*. Two or more sets of jurors for Supreme Court

(2) The sheriff shall divide such jurors into as many sets as are directed, and shall in the summons to every juror specify at what time his attendance will be required. Sheriff to divide jurors into sets

(3) Each set shall for all purposes be deemed a separate panel. R.S.O. 1970, c. 230, s. 52 (2, 3). Each set a separate panel

14.—(1) The judge of the county court, if after the issue of the precept it appears to him expedient, may at any time before the day appointed for the sittings of the Supreme Court, by order under his hand and seal, and the judge assigned to hold the sittings or the presiding judge may, at any time before or during the sittings of such court, by order under his hand and seal, direct the sheriff to return an additional number of jurors. Judge of county court may order additional jurors for Supreme Court sittings

(2) The judge of the county court, after the issue of the precept, at any time before or during the sittings of the county court or court of general sessions of the peace, by order under his hand and seal, may direct the sheriff to return an additional number of jurors. Additional jurors

(3) The sheriff, upon the receipt of any such order, shall forthwith draft such additional number of jurors in the manner provided by this Act, and shall add their names to the panel list, and shall forthwith thereafter summon them, and where there are not a sufficient number of jurors on the jury roll for the purpose of the additions, section 11 applies. R.S.O. 1970, c. 230, s. 48, *amended*. Duty of sheriff as to drafting additional number of jurors

15. Where the same day is appointed for holding the court of general sessions of the peace and the sittings of the county court, the sheriff may return the same panel to the precepts for the panels of jurors. R.S.O. 1970, c. 230, s. 51. When same panels for general sessions and county courts

How sheriffs to draft panels of jurors

16. Every sheriff to whom a precept for the return of jurors is directed shall, to such precept, return a panel list of the names of the jurors contained in the jury roll, whose names shall be drafted from such roll in the manner hereinafter mentioned. R.S.O. 1970, c. 230, s. 56.

Sheriff to draft panel

17. Upon receipt of the precept, the sheriff shall post up in his office written notice of the day, hour and place at which he will draft the panel of jurors, and he shall draft the panel by ballot from the jury roll in the presence of a justice of the peace who shall attend upon reasonable notice from the sheriff. R.S.O. 1970, c. 230, s. 59 (1), *amended*.

How sheriff to prepare a panel

18.—(1) Before proceeding to draft a panel of jurors from a jury roll, the sheriff shall prepare a proper title or heading for the list of jurors to be returned, to which he shall fix an appropriate number according as such panel is the first, second, third or subsequent panel drafted from such jury roll, and the title or heading shall set forth the number of jurors to be returned.

Ballots for drafting panel

(2) The sheriff shall then append to such title or heading a list of numbers from "1" forward to the number required, and shall prepare a set of ballots of uniform and convenient size containing the same number of ballots as there are numbers on the jury roll, allowing one number to each ballot, which number shall be printed or written on it, and he shall then proceed to draft the panel of jurors. R.S.O. 1970, c. 230, s. 62.

Drafting of panel

19.—(1) The sheriff shall draft the panel by drawing at random the ballots from a container in the presence of the justice of the peace.

Panel list

(2) The names of the persons so drafted, arranged alphabetically, with their places of residence and occupations shall then be transcribed by the sheriff, with a reference to the number of each name on the jury roll, and each name shall be thereupon marked by him or by his deputy upon the jury roll, but the name of a person shall not be included on the panel list where the spouse of such person is on the list.

Idem

(3) The panel list so alphabetically arranged and numbered, with a short statement of the precept in obedience to which it has been drafted, the date and place of such drafting, and the names of the sheriff, or his deputy and the justice of the peace, present at such drafting, shall then be recorded and attested by the signatures of the sheriff, or his deputy and the justice of the peace, and such panel list shall

be retained in the custody of the sheriff. R.S.O. 1970, c. 230, s. 63, *amended*.

Copies of panel to be transmitted

20. The sheriff shall, upon his return to the precept, annex thereto the panel list containing the names, and places of residence, and occupations of the persons so drafted, and shall transmit one copy thereof to the office of the Registrar of the Supreme Court at Toronto, or to the local registrar, or to the clerk of the county court, as the case may be. R.S.O. 1970, c. 230, s. 64, *amended*.

Jurors to be summoned 21 days before attendance required

21.—(1) The sheriff shall summon every person drafted to serve on juries by sending to him by registered mail a notice in writing in the form prescribed by the regulations under the hand of the sheriff at least twenty-one days before the day upon which the person is to attend, but when the sheriff is directed to draft and summon additional jurors under this Act, such twenty-one days service is not necessary. R.S.O. 1970, c. 230, s. 66 (1), *amended*.

Excusing of juror

(2) The sheriff may excuse any person summoned for a jury sittings on the grounds of illness or hardship but unless the local judge of the High Court directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are no further sittings in that year, in a panel to be returned for a sittings in the year next following. *New*.

Secrecy of jury roll and panel

22. The jury roll and every list containing the names of the jury drafted for any panel shall be kept under lock and key by the sheriff and every officer mentioned in section 20 having a copy thereof, and except in so far as may be necessary in order to prepare the panel lists, and serve the jury summons, shall not be disclosed by the sheriff, his deputy, officer, clerk, or by any officer mentioned in section 17 or 20, or by any other person, until ten days before the sittings of the court for which the panel has been drafted, and during such period of ten days, the sheriff, or his deputy, and any officer mentioned in section 20 having a copy of the panel list shall permit the inspection at all reasonable hours of the jury roll and of the panel list or copy thereof in his custody by litigants or accused persons or their solicitors and shall furnish the litigants or accused persons or their solicitors, upon request and payment of a fee of $2, with a copy of any such panel list. R.S.O. 1970, c. 230, s. 65, *amended*.

Countermand where no jury cases

23.—(1) Where there is no business requiring the attendance of a jury at a sittings of a court in respect of which a precept has been issued,

(*a*) the clerk of the court or local registrar, as the case may be, where the sittings is for the trial of actions; or

(*b*) the Crown attorney, where the sittings is for the trial of criminal prosecutions,

shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required. R.S.O. 1970, c. 230, s. 66 (3, 4), *amended*.

Postponement of date for attendance of jurors

(2) Where the business of the court does not require the attendance of the jurors until a day after the day upon which the sittings is to commence, the appropriate officer determined under subsection 1 shall, at least five clear days before the day upon which the sittings is to commence, give notice in writing to the sheriff in the form prescribed by the regulations that the attendance of the jurors is not required until such later day as is specified in the notice. R.S.O. 1970, c. 230, s. 47 (1), *amended*.

Notice to be given to juror

(3) Subject to subsection 5, the sheriff, upon receipt of such notice, shall forthwith by registered mail or otherwise, as he considers expedient, notify in the form prescribed by the regulations each person summoned to serve as a juror that his attendance at the sittings is not required or is not required until the day specified in the notice, and in case any person so summoned attends after receiving such notice or before the day specified, as the case may be, he is not entitled to any fees or mileage for attendance.

Where juror attends owing to non-receipt of notice

(4) Where, after the giving of such notice, a juror so summoned attends the sittings contrary to the notice and the sheriff is satisfied that the notice was not received prior to the attendance and that the juror attended in good faith, believing his attendance on that day to be necessary, the sheriff shall allow the juror his fees and mileage allowance. R.S.O. 1970, c. 230, s. 66 (5, 6), *amended*.

Sheriff must ascertain that there are no prisoners in custody

(5) In the case of a sittings of the Supreme Court for the trial of criminal matters and proceedings, or in the case of a sittings of the court of general sessions of the peace, the sheriff shall not give the notice mentioned in subsection 3 unless he is satisfied that there is no prisoner in custody awaiting trial at the sittings. R.S.O. 1970, c. 230, s. 66 (8).

Division of Supreme Court panel

24.—(1) Where a judge of the Supreme Court considers it necessary, he may direct that the jurors summoned for a

sitting of the Supreme Court be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel.

Division of county court panel

(2) Where the judge of a county court considers it necessary, he may direct that the jurors summoned for jury sittings of the county court or the court of general sessions of the peace, or both, be divided into two or more sets as he may direct, and each set shall for all purposes be deemed a separate panel. 1972, c. 112, s. 6.

Excusing of juror

25. A juror summoned for jury duty may be excused from attending the sittings on the grounds of illness or hardship,

(*a*) before the day for attendance, by the local judge of the High Court;

(*b*) on or after the day for attendance, by the judge presiding at the sittings,

and the judge may direct that the service of a person so excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in the year or in a panel to be returned for a sittings in the year next following. 1973, c. 81, s. 8, *amended*.

Release of jurors by judge

26.—(1) Any number of jurors summoned for a jury sittings of the Supreme Court or of the county court or court of general sessions of the peace may, until resummoned by direction of a judge, be released from service or further service, as the case may be, at any time before the sittings by the local judge of the High Court. R.S.O. 1970, c. 230, s. 49 (1), *amended*.

Release of jurors during sittings

(2) The judge presiding at the sittings may release such jurors as, in his opinion, will not be immediately required, and the release may be for the remainder of the sittings or until the judge directs that they be summoned to reattend. R.S.O. 1970, c. 230, s. 49 (4).

Panel

(3) Where jurors have been released under this section, the remaining jurors constitute the panel and where released jurors are resummoned under this section they are added to the panel. R.S.O. 1970, c. 230, s. 49 (5), *amended*.

Fees

(4) Where jurors are released under this section, they are not entitled to receive the fees provided by this Act during the period of release. R.S.O. 1970, c. 230, s. 49 (6).

The Supreme Court may issue precepts as heretofore

27. Subject to this Act, the Supreme Court and the judges thereof have the same power and authority as heretofore in issuing any precept, or in making any award or order, orally or otherwise, for the return of a jury for the trial of any issue before the court, or for amending or enlarging the panel of jurors returned for the trial of any such issue, and the return to any precept, award or order shall be made in the manner heretofore used and accustomed, and the jurors shall, as heretofore, be returned from the body of the county, and shall be eligible according to this Act. R.S.O. 1970, c. 230, s. 53.

County courts

28. The provisions of this Act respecting the issue of precepts for the return of a general panel of jurors for the sittings of the Supreme Court, as well as for the execution and return of the precepts, with all things touching the same, shall be observed and followed in all particulars with respect to the sittings of courts of general sessions of the peace and of county courts. R.S.O. 1970, c. 230, s. 55, *amended*.

ACTIONS TRIED BY JURY

When actions to be entered for trial

29. Subject, in the case of an action in the Supreme Court, to any order made by a judge of that court, and in the case of an action in the county court, to any order made by a judge of the county court, actions to be tried by a jury, whether in the Supreme Court or the county court, shall be entered for trial not later than six clear days before the first day of the sittings. R.S.O. 1970, c. 230, s. 66 (2), *amended*.

DRAWING JURY AT TRIAL

Empanelling jury at the trial

30.—(1) The name of every person summoned to attend as a juror, with his place of residence, occupation, and number on the panel list shall be written distinctly by the sheriff on a card or paper, as nearly as may be of the form and size following, viz.:

15. DAVID BOOTH

OF LOT NO. 11, IN THE 7TH CON. OF ALBION

MERCHANT

and the names so written shall, under the direction of the sheriff, be put together in a container to be provided by him for that purpose, and he shall deliver it to the clerk of the court. R.S.O. 1970, c. 230, s. 70.

How the clerk is to proceed to draw names

(2) Where an issue is brought on to be tried, or damages are to be assessed by a jury, the clerk shall, in open court, cause the container to be shaken so as sufficiently to mix the names, and shall then draw out six of the cards or papers, one after another, causing the container to be shaken after the drawing

of each name, and if any juror whose name is so drawn does not appear or is challenged and set aside, then such further number until six jurors are drawn, who do appear, and who, after all just causes of challenge allowed, remain as fair and indifferent, and the first six jurors so drawn, appearing and approved as indifferent, their names being noted in the minute book of the clerk of the court, shall be sworn, and shall be the jury to try the issue or to assess the damages.

Names drawn to be kept apart, etc.

(3) The cards or papers containing the names of persons so drawn and sworn shall be kept apart until the jury has given in its verdict, and it has been recorded, or until the jury has been by consent of the parties, or by leave of the court, discharged, and shall then be returned to the container there to be kept with the other cards or papers remaining therein. R.S.O. 1970, c. 230, s. 71.

Selection of juries in advance

31. A jury may be selected in accordance with section 30 at any time before the trial of an issue or assessment of damages directed by the judge presiding at the sittings and shall attend for service upon the summons of the sheriff. R.S.O. 1970, c. 230, s. 72.

Several causes may be tried in succession by the same jury

32. Notwithstanding sections 30 and 31, where no objection is made by a party, the court may try any issue or assess damages with the jury previously drawn to try any other issue, or to assess damages, without the cards or papers containing their names being returned to the container and redrawn, or may order any of the jurors whom both parties consent to withdraw, or who may be justly challenged or excused by the court, to retire and may cause another name or other names to be drawn from the container, and shall try the issue or assess the damages with the residue of the original jury and the new jurors who appear and are approved as indifferent. R.S.O. 1970, c. 230, s. 73.

If a full jury does not appear a *tales* may be granted

33.—(1) Where a full jury does not appear at a sittings of a court for civil matters, or where, after the appearance of a full jury, by challenge of any of the parties, the jury is likely to remain untaken for default of jurors, the court may command the sheriff to name and appoint so many of such other able persons of the county then present, or who can be found, as will make up a full jury, and the sheriff shall return such persons to serve on the jury.

Adding names of talesmen

(2) Where a full jury does not appear, the names of the persons so returned shall be added to the panel returned upon the precept. R.S.O. 1970, c. 230, s. 74.

How jury to be composed

34. The presiding judge before whom a civil case is or may be heard may, in his discretion on an application made by or on

behalf of the parties or any of them or at his own instance, make an order for the jury to be composed of men only or of women only, as the case may require. R.S.O. 1970, c. 230, s. 75, *amended*.

The sheriff to note on rolls names of jurors who do not serve

35. Immediately after the sittings of the Supreme Court and of the court of general sessions of the peace, and of the county court, the sheriff shall note on the jury roll from which the panel of jurors returned to the sittings was drafted opposite the names of the jurors, the non-attendance or default of every juror who has not attended until discharged by the court. 1973, c. 81, s. 10, *part*.

CHALLENGES

Lack of eligibility

36. If a person not eligible is drawn as a juror for the trial of an issue in any matter or proceeding, the want of eligibility is a good cause for challenge. 1973, c. 81, s. 10, *part*.

Peremptory challenges in civil cases

37. In any cause, the plaintiff or plaintiffs, on one side, and the defendant or defendants, on the other, may challenge peremptorily any four of the jurors drawn to serve on the trial, and such right of challenge extends to the Crown when a party. R.S.O. 1970, c. 230, s. 78.

Ratepayers, officers, etc., of municipality may be challenged

38. In a matter or proceeding to which a municipal corporation, other than a county, is a party, every ratepayer, and every officer or servant of the corporation is, for that reason, liable to challenge as a juror. R.S.O. 1970, c. 230, s. 79.

GENERAL

Fees payable to jurors and justices of the peace
R.S.O. 1970, c. 6

39.—(1) Such fees and allowances as are prescribed under *The Administration of Justice Act* shall be paid to,

(*a*) every juror attending a sitting of the Supreme Court or of the court of general sessions of the peace or of the county court; and

(*b*) the justice of the peace in attendance for each panel drafted under section 17. 1971, c. 9, s. 5; 1973, c. 81, s. 12, *amended*.

Sums to be paid with record when entered for trial in jury cases

(2) With every record entered for trial of issues or assessment of damages by a jury in the Supreme Court there shall be paid to the Registrar or the local registrar of the Supreme Court, as the case may be, such sum as is prescribed under *The Administration of Justice Act*, and the record shall not be entered unless such sum is first paid. R.S.O. 1970, c. 230, s. 87.

40.—(1) The clerk of the court or the sheriff or his officer shall, at the opening of the court and before any other business is proceeded with, call the names of the jurors, and the sheriff or his officer shall record those who are present or absent. R.S.O. 1970, c. 230, s. 85, *amended*. List of jurors to be called

(2) The sheriff shall keep a record of the payment of fees to jurors for attending sittings of a court. *New*. Record of fees paid

(3) A juror not appearing when called is not entitled to pay for the day on which he makes default. R.S.O. 1970, c. 230, s. 86. Jurors not attending not to be paid

41. The Lieutenant Governor in Council may make regulations, Regulations

(*a*) prescribing any form required or permitted by this Act to be prescribed by the regulations;

(*b*) prescribing the manner of keeping jury rolls and lists of jury panels and records thereof and requiring and prescribing the form of the certification or authentication of entries therein. *New*.

42.—(1) Every person who, Offences

(*a*) wilfully makes or causes to be made any alteration in any roll or panel or in any certified copy thereof except in accordance with this Act;

(*b*) falsely certifies any roll or panel; or

(*c*) influences or attempts to influence the selection of persons for inclusion in or omission from any jury roll or panel, except in a proper procedure under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 230, s. 92, *amended*.

(2) Every sheriff or clerk of the peace, or clerk or registrar of a court who refuses to perform any duty imposed on him by this Act, is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000. R.S.O. 1970, c. 230, s. 93, *amended*. Idem

(3) Every person who is required to complete a return to a jury service notice and who, Idem

(*a*) without reasonable excuse fails to complete the return or mail it to the sheriff as required by subsection 7 of section 6; or

(*b*) knowingly gives false or misleading information in the return,

is guilty of an offence and on summary conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than six months, or to both. 1973, c. 81, s. 14.

Evidence of not mailing

(4) For the purposes of subsection 3, where the sheriff fails to receive a return to a jury service notice within five days from the date on which it was required by this Act to be mailed, such failure is *prima facie* proof that the person required to mail it to the sheriff failed to do so in the time required.

Certificate as evidence

(5) A statement as to the receipt or non-receipt of a return to a jury service notice purporting to be certified by the sheriff is, without proof of the appointment or signature of the sheriff, receivable in evidence as *prima facie* proof of the facts stated therein in any prosecution under subsection 3. *New*.

Contempt of court

43. Every person is in contempt of court who, without reasonable excuse,

(*a*) having been duly summoned to attend on a jury, does not attend in pursuance of the summons, or being there called does not answer to his name; or

(*b*) being a juror or talesman, after having been called, is present but does not appear, or after his appearance wilfully withdraws himself from the presence of the court; or

(*c*) being a sheriff, wilfully empanels and returns to serve on a jury a person whose name has not been duly drawn upon the panel in the manner prescribed in this Act; or

(*d*) being a registrar, clerk of the peace or other officer wilfully records the appearance of a person so summoned and returned who has not actually appeared. R.S.O. 1970, c. 230, ss. 89, 91, *amended*.

Idem, tampering with jurors

44.—(1) Every person is in contempt of court who, being interested in an action that is or is to be entered for trial or may be tried in the court, or being the solicitor, counsel,

agent or emissary of such person, before or during the sittings or at any time after a juror on the jury panel for such court has been summoned knowingly, directly or indirectly, speaks to or consults with the juror respecting such action or any matter or thing relating thereto. R.S.O. 1970, c. 230, s. 95 (1), *amended*.

Barrister, solicitor or student to be disbarred or suspended

(2) Where a solicitor or barrister or student at law or articled clerk is guilty of such offence he may, in addition to any other penalty, be struck from the roll of solicitors or be disbarred or suspended from the practice of his profession for a limited time or his name may be erased from the list of the Law Society or removed therefrom for a limited time by the Supreme Court upon motion at the instance and in the name of the Attorney General.

Exception where juror is a party or witness

(3) This section does not apply where a juror is also a party to or a known witness or interested in the action or is otherwise ineligible as a juror in the action, nor to anything that may properly take place in the course of the trial or conduct of the action. R.S.O. 1970, c. 230, s. 95 (2, 3).

Posting up copies of s. 127 (2, 3) of *Criminal Code*

45. The sheriff shall at the sittings of the Supreme Court or county court for trials by jury and the court of general sessions of the peace post up in the court room and jury rooms and in the general entrance hall of the court house printed copies in conspicuous type of subsections 2 and 3 of section 127 of the *Criminal Code* (Canada) and subsection 1 of section 44 of this Act. R.S.O. 1970, c. 230, s. 96.

R.S.C. 1970, c. C-34

Saving of former powers of court and judges except as altered

46. Nothing in this Act alters, abridges or affects any power or authority that any court or judge has, or any practice or form in regard to trials by jury, juries or jurors, except in those cases only where such power or authority, practice or form is repealed or altered, or is inconsistent with any of the provisions of this Act. R.S.O. 1970, c. 230, s. 97.

Omissions to observe this Act not to vitiate the verdict

47.—(1) The omission to observe any of the provisions of this Act respecting the eligibility, selection, balloting and distribution of jurors, the preparation of the jury roll or the drafting of panels from the jury roll is not a ground for impeaching or quashing a verdict or judgment in any action. R.S.O. 1970, c. 230, s. 81, *amended*.

Panel deemed properly selected

(2) Subject to sections 36 and 38, a jury panel returned by the sheriff for the purposes of this Act shall be deemed to be properly selected for the purposes of the service of the jurors in any matter or proceeding. 1973, c. 81, s. 11.

GRAND JURIES

Judges to issue precepts to the sheriffs

48.—(1) The judges of the Supreme Court, or one or more of them, for the holding of any sittings of the Supreme Court,

and the judge of the county court, for the holding of any sittings of the county court or of the court of general sessions of the peace, may issue precepts to the sheriff for the return of a proper number of grand jurors for such sittings.

Number of grand jurors

(2) The precepts for the return of grand jurors shall command the return, and the panel shall consist of seven grand jurors.

Cancellation of precept for grand jury

(3) Where, after the issue of a precept for the return of grand jurors, the Crown attorney informs a judge authorized under subsection 1 to issue the precept that there are no criminal prosecutions at the sittings for which the precept was issued, the judge may,

(*a*) cancel the precept; or

(*b*) if summonses have been served on the persons drafted to serve on the grand jury, direct the sheriff to notify each person so summoned, in the manner prescribed by subsection 3 of section 23. R.S.O. 1970, c. 230, s. 45, *amended*.

Inspection of institutions

49.—(1) The judge presiding at a jury sittings of the Supreme Court and at a sittings of the court of general sessions of the peace shall instruct the grand jury that it may inspect all or any of the institutions in the county or district and lockups established for the county or district that are maintained in whole or in part by public moneys, and every grand jury that makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected, but where such an inspection has been conducted within six months prior to the date of the commencement of such sittings, no inspection shall be made without the specific consent of the judge. R.S.O. 1970, c. 230, s. 46 (1); 1972, c. 112, s. 5.

Amount of time to be spent in inspection

(2) The time that may be devoted by a grand jury to the inspection of institutions is subject to the control and direction of the presiding judge. R.S.O. 1970, c. 230, s. 46 (2).

R.S.O. 1970, c. 230, repealed

50.—(1) *The Jurors Act*, being chapter 230 of the Revised Statutes of Ontario, 1970, is repealed.

1971, c. 9, repealed

(2) *The Jurors Amendment Act, 1971*, being chapter 9, is repealed.

1971, c. 98, Sched. par. 16 repealed

(3) Paragraph 16 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, as amended by the Statutes of Ontario, 1972, chapter 112, section 2 and 1973, chapter 81, section 7, is repealed.

(4) *The Jurors Amendment Act, 1972*, being chapter 112, is repealed. 1972, c. 112, repealed

(5) *The Jurors Amendment Act, 1972 (No. 2)*, being chapter 170, is repealed. 1972, c. 170, repealed

(6) *The Jurors Amendment Act, 1973*, being chapter 81, is repealed. 1973, c. 81, repealed

51. Sections 48 and 49 are repealed on a day to be named by proclamation of the Lieutenant Governor. Repeal of ss. 48, 49

52. This Act comes into force on the day it receives Royal Assent. Commencement

53. This Act may be cited as *The Juries Act, 1974*. Short title

CHAPTER 64

An Act to provide for the Inspection of Public Institutions by Public Visitation

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "judge" means a county or district court judge;

(*b*) "panel" means the public institutions inspection panel.

Convening of public institutions inspection panel

2.—(1) The judge of every county or district shall, on the first Monday in May and November in each year, or so soon thereafter as is practicable, convene in open court a public institutions inspection panel composed of seven persons selected from the jury roll prepared under *The Juries Act, 1974* for the county or district and for this purpose the sheriff shall provide the panel.

1974, c. 63

Application of 1974, c. 63

(2) *The Juries Act, 1974* applies to the selection, recording, summoning, attendance and service of the persons for service on a public institutions inspection panel in the same manner as to the selection, recording, summoning, attendance and service of persons for service on a panel of jurors selected for a sittings of a court.

Service counts as jury service

(3) Payment of fees to a member of a panel shall be deemed to be payment of fees to a person for attending sittings of a court as a juror for the purposes of subsection 3 of section 3 of *The Juries Act, 1974*.

Chairman

(4) The panel shall appoint one of its members to be the chairman of the panel.

Duty of judge

(5) The judge shall instruct the panel in its duties and powers.

Excusing from duty

3.—(1) The judge may excuse any person summoned to serve on a panel from attending on grounds of illness or hardship.

Exclusion for interest

(2) The judge may exclude any person summoned to serve on the panel or excuse a panel member from participating in any inspection where the judge believes that the duty of the person under this Act is or may be in conflict with another interest of such person.

Reduced panel

(3) Where, after the panel is convened, any person on the panel dies or becomes incapacitated from any cause or is excluded or excused from serving by the judge under subsection 1 or 2, the judge may authorize the remainder of the panel to proceed with its duties under this Act.

Duties of panel

4.—(1) The panel may inspect all or any of the institutions in the county or district that are maintained in whole or in part by public money.

Lock-ups

(2) The panel shall inspect all institutions in the county or district in which persons are being held in custody for the purpose of a judicial proceeding.

Report

(3) Every panel that makes such an inspection shall prepare a report indicating the conditions found to be existing in each of the institutions inspected and with respect to institutions referred to in subsection 2 indicating whether any persons are being held therein improperly or for an unreasonable length of time.

Time for completion

(4) The inspections shall be completed within two weeks after the panel is convened but the judge may extend the time for completion of the inspection and during such period of extension the inspection is subject to the control and direction of the judge.

Powers of inspection

5.—(1) Subject to any agreement between the chairman and the institution, the panel may, after a request for entry by the chairman, enter any public institution the panel is entitled to inspect under section 4 at any time during reasonable business hours and may inspect therein all parts of the premises, and any documents, records, files or accounts in the custody of the institution, and the panel or any member thereof may interrogate any person on the premises concerning any matter respecting the affairs, administration and operation of the institution.

Offence

(2) Any person who wilfully obstructs an inspection by a panel or any member thereof under subsection 1 is

guilty of an offence and on summary conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than one year, or to both.

Delivery of report

6.—(1) The panel shall submit its report to the judge sitting in open court.

Distribution of report

(2) The judge to whom a report is submitted shall forward a copy of the report to the Attorney General.

Filing of report

(3) The report submitted to the judge shall be filed with the clerk of the county or district court as a public document and shall be available for public inspection.

Regulations

7. The Lieutenant Governor in Council may make regulations prescribing the fees and allowances payable to members of panels and providing for reimbursement for expenses.

Commencement

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. This Act may be cited as *The Public Institutions Inspection Act, 1974*.

CHAPTER 65

An Act to amend The Ontario School Trustees' Council Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Ontario School Trustees' Council Act*, being chapter 329 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 3 (1), re-enacted

(1) The Council shall be composed of seven representatives appointed by the Ontario Public School Trustees' Association and three representatives appointed by each of the following member associations: Composition of Council

1. L'Association Francaise des Conseils Scolaires de l'Ontario.

2. Northern Ontario Public and Secondary School Trustees' Association.

3. Ontario Separate School Trustees' Association.

2. Section 9 of the said Act is amended by striking out "subject to the approval of the Minister" in the second and third lines. s. 9, amended

3. Section 12 of the said Act is repealed. s. 12, repealed

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Ontario School Trustees' Council Amendment Act, 1974*. Short title

CHAPTER 66

An Act to amend The Highway Traffic Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part II of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 45, sections 2 to 7, is further amended by striking out the heading preceding section 6 and inserting in lieu thereof "PERMITS", and by adding thereto the following section: Part II (ss. 6-12), amended

5*a*. In this Part, Interpretation

(*a*) "number", when used in relation to a permit or plate, means a number or a combination of letters and numbers, and "numbered", when so used, means bearing a number or a combination of letters and numbers;

(*b*) "permit" means a permit issued under subsection 3 of section 6;

(*c*) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings.

2.—(1) Subsections 1 and 3 of section 6 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, are repealed and the following substituted therefor: s. 6 (1, 3), re-enacted

(1) The owner of a motor vehicle or trailer shall not, Permit and number plates required

(*a*) drive the motor vehicle;

(*b*) cause or permit the motor vehicle to be driven;

(*c*) draw the trailer; or

(*d*) cause or permit the trailer to be drawn,

on a highway except under the authority of a permit for the motor vehicle or trailer issued or validated under subsection 3.

. . . . .

Issuance or validation of permits and number plates

(3) Upon the application of the owner of a motor vehicle or trailer and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall,

(*a*) issue for the motor vehicle or trailer a numbered permit and a number plate or number plates, in accordance with the regulations, bearing the number of the permit; or

(*b*) validate the permit issued for the motor vehicle or trailer and provide such evidence of the validation for display upon the motor vehicle or trailer as may be prescribed by the regulations.

Records

(3*a*) The Ministry shall maintain,

(*a*) a numerical index record of all permits issued and in force under this section; and

(*b*) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued.

Effective term of permit

(3*b*) A permit that is issued or validated is in force during the period of time prescribed by the regulations.

s. 6 (4), amended

(2) Subsection 4 of the said section 6, as amended by the Statutes of Ontario, 1973, chapter 45, section 2, is further amended by striking out "accept the registration of, or" in the first and second lines and inserting in lieu thereof "issue or validate or may".

s. 6 (7), re-enacted

(3) Subsection 7 of the said section 6 is repealed and the following substituted therefor:

Regulations re permits and number plates

(7) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this Part with respect to permits and number plates and in particular,

(*a*) prescribing forms for the purposes of this section and requiring their use;

(*b*) respecting the issuance and validation of permits and the issuance of number plates;

(*c*) prescribing the period of time during which permits shall be in force that are issued or validated for motor vehicles or trailers or any class or type of either of them;

(*d*) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits;

(*e*) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the validation of permits on motor vehicles and trailers;

(*f*) respecting permits and number plates for and the operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use.

3.—(1) Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor: s. 7 (2), re-enacted

(2) Where an owner changes his address as stated in an application for a permit or for the validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. Change of address

(2) Subsection 3 of the said section 7 is amended by striking out "registration of" in the eleventh line and inserting in lieu thereof "the issuance, validation or transfer of a permit for". s. 7 (3), amended

4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 3, is repealed and the following substituted therefor: s. 8, re-enacted

8.—(1) The owner of a motor vehicle shall not drive the motor vehicle or cause or permit it to be driven on a highway unless, Number plates

(*a*) the number plate or number plates issued in accordance with the regulations and showing the number of a permit that is issued by the Ministry or a person authorized by the Minister and in force for the motor vehicle are displayed on the motor vehicle in the manner prescribed by the regulations; and

(*b*) where the permit for the motor vehicle has been validated, there is affixed to the motor vehicle in the form and manner prescribed by the regulations evidence of the validation of the permit.

Number plate on trailer

(2) The owner of a trailer shall not draw the trailer or cause or permit it to be drawn on a highway unless,

(*a*) there is attached to and exposed on the back thereof a number plate furnished by the Ministry or a person authorized by the Minister showing in plain figures the number of a permit issued and in force for the trailer; and

(*b*) where the permit for the trailer has been validated, there is affixed to the trailer in the form and manner prescribed by the regulations evidence of the validation of the permit.

s. 9 (1), amended

5. Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4, is further amended by striking out "or" at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(*e*) where the permit for a motor vehicle or trailer is validated or is required to be validated, fails to display on the motor vehicle or trailer in the form and manner prescribed by the regulations evidence of the validation of the permit,

. . . . . .

s. 11, re-enacted

6. Section 11 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 6, is repealed and the following substituted therefor:

Improper number plate

11. Where a peace officer has reason to believe that,

(*a*) a number plate attached to a motor vehicle or trailer,

(i) was not furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, or

(ii) although furnished by the Ministry or a person authorized by the Minister for the motor vehicle or trailer, was obtained by false pretences; or

(*b*) evidence that is displayed on a motor vehicle or trailer of the validation of a permit,

(i) was not furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, or

(ii) although furnished by the Ministry or a person authorized by the Minister in respect of the motor vehicle or trailer on which the evidence is displayed, was obtained by false pretences,

the peace officer may take possession of the number plate attached to the motor vehicle or trailer and retain it until the facts as to the use or furnishing of the number plate or the evidence of validation of the permit for the motor vehicle or trailer have been determined.

7.—(1) Subsection 1 of section 12 of the said Act is amended by striking out "registered under the laws of and owned by residents of Ontario" in the ninth and tenth lines and inserting in lieu therof "owned by residents of Ontario for which permits are issued and in force under this Act and the regulations". s. 12 (1), amended

(2) Subsection 2 of the said section 12 is amended by striking out "registered under the laws of and owned by residents of Ontario" in the sixth line and inserting in lieu thereof "owned by residents of Ontario for which permits are issued and in force under this Act and the regulations". s. 12 (2), amended

(3) Subsection 3 of the said section 12 is amended by striking out "registration" in the second line and inserting in lieu thereof "the provisions of sections 6 and 8". s. 12 (3), amended

8. The said Act is amended by adding thereto the following section: s. 152*a*, enacted

152*a*.—(1) In this section, Interpretation

(*a*) "designated" means designated by the regulations;

(*b*) "driver improvement program" means a course of instruction for the improvement of the knowledge and attitudes as drivers of persons who hold licences to drive motor vehicles on a highway;

(*c*) "justice" means a justice of the peace or a provincial judge;

(*d*) "prescribed" means prescribed by the regulations;

(*e*) "regulations" means the regulations made under subsection 3.

Driver improvement program R.S.O. 1970, c. 450

(2) Notwithstanding anything in *The Summary Convictions Act*, where in a designated municipality a justice convicts a person of a prescribed offence and the person, on the recommendation of the justice, attends and successfully completes a driver improvement program conducted by the Ministry, the justice may impose a lesser fine than the fine otherwise provided for by this Act or may order that no fine shall be imposed upon the person in respect of the offence.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(*a*) designating municipalities as areas in which driver improvement programs may be conducted by the Ministry in conjunction with the adjudication of offences under this Act;

(*b*) prescribing the offences under this Act in conjunction with the adjudication of which driver improvement programs may be conducted by the Ministry.

Commencement

9.—(1) This Act, except sections 1 to 7, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 7 come into force on the 1st day of September, 1974.

Short title

10. This Act may be cited as *The Highway Traffic Amendment Act, 1974*.

CHAPTER 67

An Act to amend The Regional Municipality of Ottawa-Carleton Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 119 (3), re-enacted

1. Subsection 3 of section 119 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Election of members by public school electors

(3) Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,

(*a*) six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and

(*b*) six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause *a*,

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause *a* and such a resolution shall remain in force until repealed by the Ottawa Board

Commencement

2. This Act comes into force on the day it receives Royal Assent

Short title

3. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1974*

CHAPTER 68

An Act to amend The Lord's Day (Ontario) Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 6 of *The Lord's Day (Ontario) Act*, being chapter 259 of the Revised Statutes of Ontario, 1970, is amended by striking out "1.30 o'clock in the afternoon" in the second and third lines and inserting in lieu thereof "12.00 o'clock noon". s. 6 (3), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Lord's Day (Ontario) Amendment Act, 1974*. Short title

CHAPTER 69

An Act to establish the Toronto Area Transit Operating Authority

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "area of jurisdiction of the Authority" means the area composed of,

(i) the Regional Area as defined in *The Regional Municipality of Peel Act, 1973*, 1973, c. 60

(ii) the Regional Area as defined in *The Regional Municipality of York Act*, and R.S.O. 1970, c. 408

(iii) the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*; R.S.O. 1970, c. 295

(*b*) "Authority" means the Toronto Area Transit Operating Authority established under section 2;

(*c*) "inter-regional transit system" means a transit system that is principally operated,

(i) in more than one regional area, and

(ii) within the area of jurisdiction of the Authority;

(*d*) "land" includes buildings or improvements on land, land covered with water, and any estate, interest, right or easement in, to, over or affecting any of them;

(*e*) "Minister" means the Minister of Transportation and Communications;

(*f*) "Ministry" means the Ministry of Transportation and Communications;

(*g*) "regional area" means a regional area as defined in,

1973, c. 60

(i) *The Regional Municipality of Peel Act, 1973*, or

R.S.O. 1970, c. 408

(ii) *The Regional Municipality of York Act*,

R.S.O. 1970, c. 295

or the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;

(*h*) "regional transit system" means a transit system that is principally operated within a regional area;

(*i*) "regulations" means the regulations made under this Act;

(*j*) "transit system" means a system for the transportation of passengers.

Toronto Area Transit Operating Authority

2.—(1) There is hereby established a corporation without share capital under the name of "Toronto Area Transit Operating Authority".

Membership

(2) The Authority shall be composed of four members as follows,

(*a*) one member appointed by the Lieutenant Governor in Council, who shall be the chairman of the Authority;

(*b*) the chairmen of the regional councils of the regional municipalities of Peel and York; and

(*c*) the chairman of the Metropolitan Council of The Municipality of Metropolitan Toronto.

Term of office of chairman

(3) The member appointed by the Lieutenant Governor in Council shall hold office for a term of five years and until his successor is appointed.

Quorum

(4) Three members of the Authority constitute a quorum.

Vacancy

(5) In the event of a vacancy caused by the death, resignation or incapacity of the member of the Authority appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council may appoint a person to hold office for the remainder of the term of such member.

Absence of chairman

(6) When the chairman is absent from any meeting of the Authority, the members present at the meeting shall appoint from among them an acting chairman who, for the purposes of the meeting, has all the powers and shall perform all the duties of the chairman.

(7) The Authority may pay those of its members who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be from time to time fixed by the Lieutenant Governor in Council. Remuneration

(8) The fiscal year of the Authority begins on the 1st day of April and ends on the 31st day of March in the following year. Fiscal year

(9) The Authority is an agency of the Crown. Agency

3. The chairmen of the regional councils of the regional municipalities of Halton and Hamilton-Wentworth shall receive notice and the agenda of all meetings of the Authority and may attend and participate in the discussion at any meeting of the Authority of any matter directly affecting the transportation of passengers between their respective regional municipalities and the area of jurisdiction of the Authority. Halton and Hamilton-Wentworth

4.—(1) The Authority may make by-laws regulating its proceedings. By-laws

(2) Subject to the approval of the Minister, the Authority may make by-laws for the conduct and management of the affairs of the Authority. Idem

5.—(1) The Authority shall employ a Managing Director and may employ a Secretary, a Treasurer and such other persons and may retain such technical and professional consultants as are considered necessary to carry out the objects of the Authority at such remuneration and upon such terms as the Authority approves. Staff

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. Idem R.S.O. 1970, c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an employee of the Authority. Idem R.S.O. 1970, c. 386

6. The objects of the Authority are, Objects

(*a*) to design, establish and operate or cause to be operated an efficient and economical surface and subsurface, or either of them, inter-regional transit system to serve the needs of persons requiring transportation as passengers across the boundaries of

regional areas and within the area of jurisdiction of the Authority;

(*b*) to co-ordinate the operations of surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems;

(*c*) to provide information, advice, design assistance and co-ordinating services to surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems; and

(*d*) to perform such other duties and exercise such other powers as are imposed or conferred on the Authority by or under any Act within the area of jurisdiction of the Authority,

in order that the public interest may be served.

Powers

7.—(1) For the purpose of carrying out its objects, the Authority shall study or cause to be studied and investigate or cause to be investigated,

(*a*) the design and operation of inter-regional transit systems;

(*b*) the fare structure and service schedules of inter-regional transit systems;

(*c*) the use by municipalities of transit funds allocated by the Ministry;

(*d*) applications for public vehicle operating licences under *The Public Vehicles Act* for the transportation across the boundaries of regional areas of passengers or passengers and express freight on a highway; and

R.S.O. 1970. c. 392

(*e*) the integration or co-ordination or both, of the facilities, equipment, personnel training, service schedules and fare structures of inter-regional transit systems and regional transit systems,

within the area of jurisdiction of the Authority.

Idem

(2) In carrying out its objects the Authority may,

(*a*) design and construct and operate or cause to be operated an inter-regional transit system;

(*b*) for the establishment and operation, or either of them, of an inter-regional transit system,

(i) acquire by purchase, lease or otherwise any transit vehicle, equipment or thing,

(ii) acquire by purchase, lease, expropriation or otherwise any land;

(*c*) sell, lease or otherwise dispose of any transit vehicle, equipment, thing or land no longer required by the Authority for the purpose of this Act;

(*d*) enter into agreements with the Crown, any individual, corporation, partnership or association for any purpose related to the objects or powers of the Authority; and

(*e*) subject to the approval of the Lieutenant Governor in Council, borrow moneys required for the carrying out of its objects.

GO Transit

(3) The Authority shall administer all of the commuter services operated immediately before the coming into force of this Act by the agency of the Province of Ontario known as Government of Ontario Transit.

Studies

(4) The Authority may, upon the request of the council of a regional municipality within the area of jurisdiction of the Authority, study or cause to be studied and investigate or cause to be investigated,

(*a*) the design and operation of any regional transit system; and

(*b*) the fare structure and service schedule of any regional transit system,

within the regional area administered by the council.

Moneys

8. The moneys required for the purposes of the Authority shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

Responsibility of Minister

9. The Minister is responsible for the administration of this Act

Regulations

10.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Authority may make regulations,

(*a*) prescribing fares that shall be charged and collected by any inter-regional transit system operating in the area of jurisdiction of the Authority;

(*b*) in respect of a transit system operated by or on behalf of the Authority,

(i) prohibiting or regulating the use of any land of the Authority and prohibiting or regulating vehicular traffic and pedestrian traffic on any such land,

(ii) requiring and providing for the issue of permits and licences and providing for the granting of rights in respect of the use of any land of the Authority and providing for the revocation of any such permit, licence or right,

(iii) prescribing the fees or rentals payable for any permit, licence or right issued or granted in respect of any land of the Authority,

(iv) prescribing fares that shall be charged and collected for any service,

(v) governing the terms and conditions upon which tickets may be sold,

(vi) governing the conduct of passengers and for refusing passage to persons who do not comply with the regulations or the terms and conditions upon which tickets are sold.

Offence

(2) Every person who contravenes any provision of a regulation made under clause *b* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Motor vehicle owner and driver liable to penalties

(3) The owner of a motor vehicle shall incur the fines imposed for any contravention of a regulation made under subsection 1 prohibiting or regulating the parking of motor vehicles unless at the time of the contravention the motor vehicle was in the possession of some person other than the owner or his chauffeur without the owner's consent and the driver of the motor vehicle not being the owner shall also incur the fines imposed for any such contravention.

Appointment of officers to carry out regulations

(4) The Minister may appoint in writing one or more Crown employees as an officer or officers for the purposes of carrying out all or any of the provisions of the regulations made under

subsection 1, and any person so appointed is a constable for such purpose and for the purposes of section 14 of *The Highway Traffic Act*. R.S.O. 1970, c. 202

(5) A person appointed under subsection 4 shall, while carrying out his duties under the appointment, have in his possession a certificate of his appointment under subsection 4 and shall produce such certificate upon request. Certificate of appointment

11. The Lieutenant Governor in Council may make regulations exempting any method of transportation or any type of vehicle from the application of this Act. Regulations by Lieutenant Governor in Council

12.—(1) Every owner of a regional transit system shall file with the Authority the service schedules and tariff of fares of the system that are in force when this Act comes into force and any additional material and information related to the schedules and tariff that the Authority may require from the owner. Filing of tariffs and schedules

(2) An owner or operator of a regional transit system shall not make any change in, addition to or deletion from the service provided or the fares charged to the public on account of the system, other than a change in, addition to or deletion of service of a temporary nature required to meet an emergency, until the owner or operator has filed with the Authority a statement of the proposed change, addition or deletion. Changes in tariffs or schedules

13.—(1) Subject to the approval of the Minister, the Authority shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the books, records and accounts of the Authority and prepare an annual auditor's statement for the fiscal year last past. Auditor R.S.O. 1970, c. 373

(2) The auditor's report and the working papers used in the preparation of the auditor's statement shall be made available to the Provincial Auditor. Provincial Auditor

14.—(1) The Authority shall make a report annually to the Minister in such form and containing such financial and other information as the Minister may require. Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. This Act may be cited as *The Toronto Area Transit Operating Authority Act, 1974*. Short title

CHAPTER 70

An Act to amend The Workmen's Compensation Act

Assented to June 28th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* as re-enacted by the Statutes of Ontario, 1973, chapter 173, section 5, and clause *f* as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor s. 36 (1) (*c*, *d*, *f*), re-enacted

(*c*) where the widow or a widower is the sole dependant, a monthly payment of $260;

(*d*) where the dependants are a widow or a widower and one or more children, a monthly payment of $260 with an additional monthly payment of $70 to be increased upon the death of the widow or widower to $80 for each child under the age of sixteen years;

(*f*) where the dependants are persons other than those mentioned in clauses *c*, *d* and *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole $260 per month

(2) Subsection 5 of the said section 36, as amended by the Statutes of Ontario, 1973, chapter 46, section 1, and 1973, chapter 173, section 1, is repealed s. 36 (5), repealed

2. Section 41 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is repealed and the following substituted therefor s. 41, re-enacted

Temporary partial disability

41.—(1) Where temporary partial disability results from the injury, the compensation shall be,

(*a*) where the employee returns to employment, a weekly payment of 75 per cent of the difference between the average weekly earnings of the employee before the accident and an average amount that he is able to earn in some suitable employment or business after the accident; or

(*b*) where the employee does not return to work, a weekly payment in the same amount as would be payable if he were temporarily totally disabled, unless he,

(i) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting him back to work and in lessening or removing any handicap resulting from his injuries, or

(ii) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for his capabilities.

Idem

(2) Where subclause i or ii of clause *b* of subsection 1 applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the accident as determined by the Board, and subsection 4 of section 42 applies.

s. 42, amended

3. Section 42 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding thereto the following subsections:

Entitlement on death

(7) A dependant of an employee who was, at the time of his or her death, in receipt of an award for permanent disability which the Board has rated at 100 per cent or, but for his or her death, would have been in receipt of an award for permanent disability at the rate of 100 per cent is entitled to compensation as if the death of the employee had resulted from the compensable disability for which he or she received or would have received the permanent disability award.

Substitution of payment

(8) The amounts payable under this section shall be revalorized by substituting for the monthly amount payable under this section as of the 31st day of December, 1973, the sum of such amount and the factor of 2 per cent for every

year in which a pension was payable for permanent disability up to and including 1971 in addition to a factor of 4 per cent for each of the years 1972 and 1973, provided that in no case shall the sum of such factors exceed 60 per cent.

Exception

(9) Subsection 8 does not apply to a commutation lump sum award, an award under subsection 6 of this section or an award under clause *b* of section 43, which the Board has made under this Part.

s. 43 (*b*) (i), re-enacted

4.—(1) Subclause i of clause *b* of section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2, is repealed and the following substituted therefor:

(i) for permanent total disability, $260 a month, and

. . . . .

s. 43, amended

(2) The said section 43, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding "and" at the end of clause *b* and by adding thereto the following clause:

(*c*) for permanent total disability, not less than the benefits which would have been payable to his dependants under clauses *c*, *d* and *e* of subsection 1 of section 36, under subsections 2, 4 and 10 of section 36 and under section 38 as if he had died from the injury.

s. 44 (1), amended

5. Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 46, section 4, and 1973, chapter 173, section 1, is further amended by striking out "$10,000" in the amendment of 1973, chapter 46, section 4, and inserting in lieu thereof "$12,000"

s. 51 (3), (*b*), re-enacted

6. Clause *b* of subsection 3 of section 51 of the said Act is repealed and the following substituted therefor:

(*b*) on application, an allowance not exceeding $168 per annum for replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis supplied by the Board, and not exceeding $84 per annum in respect of an upper limb prosthesis supplied by the Board,

. . . . .

Application

7.—(1) Sections 1, 2, 3, 4 and 6 apply to all payments accruing on and after the 1st day of July, 1974, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1974.

Idem

(2) Section 5 applies only for the purposes of computing average earnings in respect of accidents occurring on or after the 1st day of July, 1974.

Commencement

8. This Act comes into force on the 1st day of July, 1974.

Short title

9. This Act may be cited as *The Workmen's Compensation Amendment Act, 1974*.

CHAPTER 71

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

Assented to August 31st, 1974

Preamble

WHEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas strikes by the unions against the employer have continued since the 12th day of August, 1974; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

R.S.O. 1970, c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "employer" means the Toronto Transit Commission;

(*b*) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,

(i) Division 113, Amalgamated Transit Union, the 30th day of June, 1974,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1974, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1974;

(*c*) "Minister" means the Minister of Labour;

(*d*) "parties" means the employer and the unions;

(*e*) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem

R.S.O. 1970, c. 232

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

2.—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application of R.S.O. 1970, c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment of arbitrator

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement of arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within a reasonable time after his appointment, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin *de novo*.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator

(4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of arbitrator

4.—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act, and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

Arbitrator to remain seized of matters in dispute

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Agreement upon some matters

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

(*a*) the matters not agreed upon between the employer and the unions; and

(*b*) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

Decision binding

5.—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

R.S.O. 1970, c. 232

Execution of agreement

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation of agreement by board

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Failure to execute agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

R.S.O. 1970, c. 25 not to apply

6.—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem 1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

Hourly rates of wages

7. The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 12 per cent over the basic hourly wage rates in effect on the expiry date retroactive in each case to the day immediately following the expiry date and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

Strikes terminated

8.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

R.S.O. 1970, c. 232 not to apply

(2) Notwithstanding any provision of *The Labour Relations Act*, upon the coming into force of this Act,

employees to return to work

(*a*) the employees mentioned in subsection 1 of section 2 shall report for work in accordance with the regular practices of the employer for the purpose of enabling the resumption of normal service, and shall not go on strike;

lock-out prohibited

(*b*) the employer shall not cause a lock-out;

terms of employment not to be altered

(*c*) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and

idem

(*d*) the unions shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

Compliance with subsection 2

(3) Any difference between the parties as to whether or not subsection 2 has been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies *mutatis mutandis* thereto.

Application of R.S.O. 1970, c. 232

9. Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act.

Costs

10. The employer and the unions shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund.

Commencement and repeal

11. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation.

Short title

12. This Act may be cited as *The Toronto Transit Commission Labour Disputes Settlement Act, 1974.*

CHAPTER 72

An Act to amend The Legislative Assembly Act

Assented to August 31st, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is repealed. s. 25. repealed

2. Subsection 1 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 101, section 1, is amended by striking out "Subject to section 25" in the first line. s. 28 (1), amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1974*. Short title

CHAPTER 73

An Act to amend The Ontario Human Rights Code

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Ontario Human Rights Code*, being chapter 318 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 4, is repealed and the following substituted therefor: s. 3 (2), re-enacted

(2) The prohibition in subsection 1 in respect of sex does not apply to housing accommodation in a building where the occupancy of all the housing accommodation other than that of the owner or his family is restricted to individuals who are of the same sex. Exception

2. Subsection 6 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is repealed and the following substituted therefor: s. 4 (6), re-enacted

(6) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on age, sex or marital status do not apply where age, sex or marital status is a *bona fide* occupational qualification and requirement for the position or employment. Exception

3. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by adding thereto the following subsection: s. 4, amended

(9) Clause *g* of subsection 1 does not apply to any *bona fide* superannuation or pension fund or plan or any *bona fide* insurance plan that provides life, income, disability, sickness, medical or hospital payments or benefits of a monetary kind to which an employee, his survivors or dependants are or may be entitled that differentiates or makes a distinction, exclusion or preference between employees or any class or classes of employees because of age, sex or marital status. Exception

s. 7*a*, repealed

4. Section 7*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 8, is repealed.

s. 14, re-enacted

5. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, and amended by 1972, chapter 119, section 11, is repealed and the following substituted therefor:

Inquiry and settlement

14.—(1) Where a complaint has been filed with or initiated by the Commission, the Commission or an officer thereof shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Powers of Commission and officers of the Commission

(2) In carrying out an inquiry under subsection 1, the Commission or an officer of the Commission may,

(*a*) subject to subsection 3, enter in or upon the lands or premises of a person at any reasonable time without a warrant for the purpose of investigating the complaint;

(*b*) require the production for inspection and examination of employment applications, payrolls, records, documents, writings and papers that are or may be relevant to the investigation of the complaint;

(*c*) upon giving a receipt therefor, remove any employment applications, payrolls, records, documents, writings and papers mentioned in clause *b* for the purpose of making copies or extracts of such applications, payrolls, records, documents, writings and papers, but such copying shall be carried on with reasonable dispatch and the applications, payrolls, records, documents, writings and papers shall be promptly thereafter returned and to the premises from which they were removed;

(*d*) make any inquiries of any person separate or apart from another person that are or may be relevant to the complaint.

Access to dwelling

(3) An officer of the Commission shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of an order issued pursuant to subsection 4.

Order of justice of the peace

(4) Where a justice of the peace is satisfied, upon an *ex parte* application by an officer of the Commission, that there is reasonable ground for believing that it is necessary

to enter any premises for purposes relevant to an inquiry under this Act, the justice of the peace may issue an order authorizing an officer of the Commission to enter and view such premises for such purposes, but every such entry and viewing shall be made between sunrise and sunset unless the justice of the peace by the order authorizes the officer to make such entry and viewing at night.

Obstruction

(5) No person shall hinder, obstruct, molest or interfere with the Commission or an officer of the Commission in the exercise of a power or the performance of a duty under this Act or withhold from it or him any employment applications, payrolls, records, documents, writings or papers that are or may be relevant to the investigation of a complaint.

1972, c. 119, s. 16 (2), repealed

6. Subsection 2 of section 16 of *The Ontario Human Rights Code Amendment Act, 1972*, being chapter 119, is repealed.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1974*.

CHAPTER 74

An Act to provide for an Ontario Building Code

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "architect" means a member or licensee of the Ontario Association of Architects under *The Architects Act*; R.S.O. 1970, c. 27

(*b*) "building" means a structure occupying an area greater than 100 square feet consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, and includes such other structures as are designated in the regulations, but does not include a structure used directly in the extraction of ore from a mine;

(*c*) "building code" means the regulations made under section 18;

(*d*) "chief official" means the chief building official appointed or constituted under section 3 or 4 and having jurisdiction for the enforcement of this Act;

(*e*) "construct" means to do anything in the erection, installation or extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and "construction" has a corresponding meaning;

(*f*) "demolition" means the doing of anything in the removal of a building or any part thereof;

(*g*) "Director" means the person appointed as Director under section 2;

(*h*) "inspector" means an inspector appointed under section 3 or 4 and having jurisdiction for the enforcement of this Act;

(*i*) "Minister" means the Minister of Consumer and Commercial Relations;

(*j*) "municipality" means a city, town, village, township or improvement district or any other municipality having the power to make by-laws under section 38 of *The Planning Act*;

R.S.O. 1970, c. 349

(*k*) "professional engineer" means a member or licensee of the Association of Professional Engineers of the Province of Ontario under *The Professional Engineers Act*;

R.S.O. 1970, c. 366

(*l*) "regulations" means the regulations made under this Act;

(*m*) "unsafe", when used in respect of a building, means structurally inadequate or faulty for the purposes for which it is or is likely to be used or otherwise unsafe.

Administration

2.—(1) The Minister is responsible for the administration of this Act.

Director of Building Code Branch

(2) There shall be a Director of the Building Code Branch who shall be appointed by the Lieutenant Governor in Council.

Enforcement by municipality

3.—(1) The council of each municipality is responsible for the enforcement of this Act in the municipality.

Chief building official and inspectors

(2) The council of each municipality shall appoint a chief building official and such inspectors as are necessary for the purposes of the enforcement of this Act in the areas in which the municipality has jurisdiction.

Agreements for joint enforcement

(3) The councils of two or more municipalities may enter into an agreement,

(*a*) providing for the joint enforcement of this Act within their respective municipalities;

(*b*) providing for the sharing of costs incurred in the enforcement of this Act within their respective municipalities; and

(*c*) providing for the appointment of a chief building official and inspectors,

and, while the agreement is in effect, the municipalities have joint jurisdiction in the area comprising the municipalities.

County enforcement

(4) The council of a county and one or more local municipalities in the county may enter into an agreement for the enforcement by the county of this Act in such local municipalities and for charging such municipalities the whole or part of the cost thereof, and while the agreement is in effect the county may appoint a chief building official and such inspectors as are considered necessary and has jurisdiction for the enforcement of this Act in the municipalities that are parties to the agreement.

Certificates of appointment

(5) The clerk of the municipality or county shall issue a certificate of appointment bearing his signature or a facsimile thereof to the chief official and each inspector appointed by the municipality or county who shall produce the certificate upon request in the performance of his duties.

Agreements for provincial enforcement

(6) The council of a municipality and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act in the municipality by Ontario subject to such payment in respect of the cost thereof as is provided for in the agreement, and, while the agreement is in effect, Ontario has jurisdiction for the enforcement of this Act in the municipality.

Enforcement by Ontario

4.—(1) Ontario is responsible for the enforcement of this Act in territory without municipal organization.

Appointment of inspectors

(2) Such inspectors as are considered necessary for the enforcement of this Act in the parts of Ontario in which Ontario has jurisdiction therefor shall be appointed under *The Public Service Act*.

R.S.O. 1970, c. 386

Director, chief building official for Ontario

(3) The Director shall be deemed to be the chief building official for the parts of Ontario in which Ontario has jurisdiction for the enforcement of this Act.

Certificates of appointment

(4) The Deputy Minister of Consumer and Commercial Relations shall issue a certificate of appointment bearing his signature or a facsimile thereof to the Director and each inspector appointed under subsection 2 who shall produce the certificate upon request in the performance of his duties.

Agreements for enforcement by municipality

(5) The council of a municipality adjacent to territory without municipal organization and the Crown in right of Ontario represented by the Minister may enter into an agreement providing for the enforcement of this Act by the municipality in such part of the territory without municipal organization and subject to such payment in respect of the cost thereof as is provided in the agreement and, while the agreement is in effect, the municipality has jurisdiction for the enforcement of this Act in the area designated in the agreement.

Building permits

5.—(1) No person shall construct or demolish a building in a municipality unless a permit therefor has been issued by the chief official.

By-laws and regulations for building permits

(2) The council of a municipality may pass by-laws and the Lieutenant Governor in Council may make regulations applicable in the area in which the municipality or Ontario, respectively, has jurisdiction for the enforcement of this Act,

(*a*) prescribing classes of permits for the purposes of subsection 1, including permits in respect of any stage of construction or demolition;

(*b*) providing for applications for permits and requiring the applications to be accompanied by such plans, specifications, documents and other information as is prescribed;

(*c*) requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof;

(*d*) providing for the refunding of fees under such circumstances as are prescribed;

(*e*) prescribing the time within which notices required by the regulations must be given to the chief official or an inspector;

(*f*) prescribing forms respecting permits and applications for permits and providing for their use.

Issue of permits

6.—(1) The chief official shall issue a permit except where,

(*a*) the proposed building or the proposed construction or demolition will not comply with this Act or the building code or will contravene any other applicable law; or

(*b*) the application therefor is incomplete or any fees due are unpaid.

(2) Drawings, plans and specifications accompanying applications for permits shall be made available to the Association of Professional Engineers of the Province of Ontario and the Ontario Association of Architects upon request for the purpose of determining whether *The Professional Engineers Act* or *The Architects Act* is being contravened. Disclosure of plans R.S.O. 1970, cc. 366, 27

(3) An applicant for a permit shall inform the chief official of any change in any information contained in the application. Notice of changes

(4) Subject to section 14, the chief official may revoke a permit, Revocation of permits

(*a*) where it was issued on mistaken or false information;

(*b*) where, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the chief official, been seriously commenced; or

(*c*) where the construction or demolition of the building is, in the opinion of the chief official, substantially suspended or discontinued for a period of more than one year.

7. Subject to the regulations, no person shall occupy or use or permit to be occupied or used any building newly erected or installed until notice of the date of its completion is given to the chief official and, Occupation of new buildings

(*a*) an inspection is made pursuant to such notice; or

(*b*) ten days have elapsed after service of the notice or after the date of completion whichever occurs last,

and subject to compliance first being made with any order made by the inspector under section 8.

8.—(1) Subject to section 10, an inspector may, for the purpose of inspecting a building or site in respect of which a permit is issued or an application for a permit is made, enter in or upon any land or premises at any time without a warrant. Inspection

(2) Where an inspector finds that any provision of this Act or the building code is being contravened, he may give to the person whom he believes to be the contravener an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies. Order by inspector

Idem

(3) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention and its location.

Affixing copy of order

(4) Where an inspector gives an order under this section, he may affix a copy thereof to the site of the construction or demolition, and no person, except an inspector or the chief official, shall remove such copy unless authorized by the inspector or the chief official.

Stop work order

(5) Where an order of an inspector made under this section is not complied with within the time specified therein, or where no time is specified, within a reasonable time in the circumstances, the chief official may order that all or any part of the construction or demolition respecting the building cease and such order shall be served on such persons affected thereby as the chief official specifies and a copy thereof shall be posted on the site of the construction or demolition and no person except an inspector or the chief official shall remove such copy unless authorized by an inspector or the chief official.

Idem

(6) Where an order to cease construction or demolition is made under subsection 5, no person shall perform any act in the construction or demolition of the building in respect of which the order is made other than such work as is necessary to carry out the order of the inspector made under subsection 2.

Powers of inspectors respecting unsafe buildings

9.—(1) Subject to section 10, an inspector may enter in or upon any land or premises at any time without a warrant for the purpose of inspecting any building to determine whether such building is unsafe.

Order to remedy unsafe building

(2) Where an inspector finds that a building is unsafe, he may serve upon the assessed owner and each person apparently in possession of the building an order in writing setting out the reasons why the building is unsafe and the remedial steps that the inspector requires to be taken to render the building safe and may require the order to be carried out within such time as the inspector specifies in the order.

Prohibiting occupancy of unsafe building

(3) Where an order of an inspector under subsection 2 is not complied with within the time specified therein, or where no time is specified, within a reasonable time in the circumstances, the chief official may by order prohibit the use or occupancy of the building and such order shall be served on the assessed owner and each person apparently in possession and such other persons affected thereby as

the chief official specifies and a copy thereof shall be posted on the building, and no person except an inspector or the chief official shall remove such copy unless authorized by an inspector or the chief official.

Repairs at expense of owner

(4) Where the chief official has made an order under subsection 2 and considers it necessary for the safety of the public, he may cause the building to be renovated, repaired or demolished for the purpose of removing the unsafe condition and, where the building is in a municipality, the cost of the renovation, repair or demolition may be added by the clerk to the collector's roll and collected in like manner as municipal taxes.

Powers of inspector

10.—(1) For the purposes of an inspection under section 8 or 9, the inspector may,

(*a*) require the production of the drawings and specifications of a building or any part thereof, including any drawings prescribed by the regulations, for his inspection and may require information from any person concerning any matter related to a building or part thereof;

(*b*) be accompanied by any person who has special or expert knowledge of any matter in relation to a building or part thereof;

(*c*) alone or in conjunction with such other person or persons possessing special or expert knowledge, make such examinations, tests, inquiries, or, subject to subsections 2 and 3, take such samples or photographs as are necessary for the purposes of the inspection;

(*d*) order any person responsible for the construction to take and supply at his own expense such tests and samples as are specified in the order.

Samples

(2) Where an inspector takes a sample under clause *c* of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.

Idem

(3) Where an inspector takes a sample under clause *c* of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.

Entry to dwellings

(4) An inspector shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*.

R.S.O. 1970, c. 450

Review by chief official

11.—(1) The chief official may review and amend or rescind an order made by an inspector under this Act.

Chief official may act as inspector

(2) A chief official may exercise any of the powers or perform any of the duties of an inspector under this Act.

Building Code Commission established

12.—(1) The Building Code Commission is established, composed of such number of members as is determined by the Lieutenant Governor in Council.

Appointment of members

(2) The Lieutenant Governor in Council shall appoint the members to the Commission, none of whom shall be persons in the public service of Ontario or of a municipality, and may designate one of the members as chairman and one or more of the members as vice-chairmen.

Remuneration

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine.

Quorum

(4) Three members of the Commission constitute a quorum.

Hearings of Commission

13.—(1) Where a dispute arises between any person and the chief official or an inspector in respect of the interpretation of the technical requirements of the building code or the sufficiency of compliance with such technical requirements, any party to the dispute may apply to the Building Code Commission for a hearing and determination of the question.

Powers of Commission

(2) Where an application is made to the Building Code Commission under subsection 1, the Commission shall appoint a time and place for the hearing and notice thereof shall be served upon the other parties to the dispute and the Commission shall hold the hearing and may, by order, determine the dispute and for such purposes may substitute its opinion for that of the inspector or chief official.

Decision final

(3) The decision of the Building Code Commission under this section is final.

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Building Code Commission holding a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or in-

directly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal or technical advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions.

Evidence

(5) The findings of fact of the Commission pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. 1971, c. 47

Only members at hearing to participate in decisions

(6) Members of the Commission shall not participate in a decision of the Commission pursuant to a hearing unless they were present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Commission shall be given unless all members so present participate in the decision.

Release of documentary evidence

(7) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Commission within a reasonable time after the matter in issue has been finally determined.

Hearings by county court judge

14.—(1) Any person who considers himself aggrieved by an order given or decision made by an inspector or chief official under this Act or the regulations may, within twenty days after the order or decision is made, apply to the judge of the county or district court for a hearing and appeal.

Effect of application on proceeding before Commission

(2) Where an application is made under this section in respect of a matter in which a question is pending before the Building Code Commission, the proceeding before the Commission is terminated.

Powers of judge on hearing

(3) Where an application is made to a judge for a hearing under subsection 1, the judge shall appoint a time for and hold the hearing and may rescind or affirm the order or decision of the inspector or chief official or take such action as the judge considers the inspector or chief official ought to take in accordance with this Act and the regulations, and for such purposes the judge may substitute his opinion for that of the inspector or chief official.

Reference to Commission

(4) A judge may refer a question respecting the interpretation of the technical requirements of the building code or the sufficiency of compliance with such technical requirements to the Building Code Commission for a hearing and

report to the judge and the procedure on the reference shall be the same as on an application under section 13.

Extension of time for hearing

(5) A judge to whom application is made for a hearing under subsection 1 may extend the time for making the application either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Lifting of stay

(6) The judge may, upon application therefor which may be made *ex parte*, order that the order or decision appealed from be not stayed pending the outcome of the appeal but shall take effect immediately where, in his opinion, such action is necessary in the interest of public safety and would not destroy the subject-matter of the appeal.

Appeal to Supreme Court

15.—(1) Any party to the hearing before the county or district court judge under section 14 may appeal from the decision of the judge to the Supreme Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of court on appeal

(3) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the judge or direct the inspector or chief official to do any act he is authorized to do under this Act or may refer the matter back to the judge for reconsideration by the judge as the court considers proper and the court may substitute its opinion for that of the inspector or chief official or the judge.

Service of notice

16. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given or his agent for service at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given or his agent for service establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Building Materials Evaluation Commission established

17.—(1) The Building Materials Evaluation Commission is established, composed of such number of members as is determined by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council shall appoint the members to the Commission and may designate one of the members as chairman and one of the members as vice-chairman. Appointment of members

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. Remuneration

(4) The Building Materials Evaluation Commission may, Powers and duties

(*a*) examine and research or cause examination and research into materials, techniques and building design for construction;

(*b*) upon application therefor, authorize the use of any innovative material, technique or building design in respect of any specified building or part thereof and the use of such material, technique or design within the authority given and the terms and conditions specified therein shall be deemed not to be in contravention of the building code; and

(*c*) make recommendations to the Minister respecting changes in this Act or the regulations.

18.—(1) The Lieutenant Governor in Council may make such regulations as are considered advisable or necessary for the purpose of establishing a building code for Ontario governing standards for the construction and demolition of buildings, including but without limiting the generality of the foregoing, Regulations

(*a*) governing the manner of construction and types and quality of materials used therein;

(*b*) governing the design of buildings and the use to which they may be put;

(*c*) adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;

(*d*) requiring any part of the design, construction or demolition of a building to be under the field review of an architect or professional engineer;

(*e*) designating structures for the purposes of clause *b* of section 1;

(*f*) designating organizations to test prefabricated building units to the standards prescribed by the building code and providing for the placing of the label of such organization on such units that conform to the standards;

(*g*) requiring the approval of an inspector in respect of any method, matter or thing;

(*h*) requiring the posting on buildings or sites of construction or demolition of such documents or information as is prescribed;

(*i*) requiring such documents, information, records, drawings or specifications as are prescribed to be kept on the site of construction or demolition;

(*j*) requiring notice to be given to the chief official or an inspector respecting any matter in the course of construction or demolition;

(*k*) requiring notice to be given to the chief official respecting the change in prescribed classes of use made of a building;

(*l*) requiring chief officials to transmit to the Director such returns and reports as are prescribed;

(*m*) prescribing conditions under which a building or any part of a building may be occupied;

(*n*) exempting any building or class thereof from compliance with this Act and the regulations or any provision thereof;

(*o*) requiring the payment of fees in respect of applications to the Building Materials Evaluation Commission and prescribing the amounts thereof;

(*p*) prescribing procedures of the Building Code Commission and the Building Materials Evaluation Commission;

(*q*) prescribing forms and providing for their use.

Limitation of application

(2) Any regulation made under this section may be limited in its application territorially or to any class of building, construction or demolition.

Inquiries

19.—(1) Where it appears to the Minister that there is or may be a failure in construction or demolition standards

or in the enforcement of this Act or the building code, the Minister may designate a person to conduct an inquiry into such failure.

Powers on inquiry

(2) For the purposes of an inquiry under subsection 1, the person conducting the inquiry has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. 1971, c. 49

Immunity from actions

20.—(1) No action or other proceeding for damages lies or shall be instituted against the Director or any member of the Building Code Commission or Building Materials Evaluation Commission or anyone acting under the authority of the Director, Building Code Commission or Building Materials Evaluation Commission or any person conducting an inquiry under section 19 for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Idem

(2) No action or other proceedings for damages lies or shall be instituted against an inspector or chief official for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of Crown and municipality

(3) Subsections 1 and 2 do not relieve the Crown or a municipal corporation of liability in respect of a tort committed by an inspector or a chief official to which either would otherwise be subject and the Crown or municipal corporation is liable for any such tort as if subsections 1 and 2 were not enacted.

Obstruction of inspector

21.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with a chief official or inspector in the exercise of a power or the performance of a duty under this Act.

Assistance of inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector or chief official in the exercise of his powers or duties under this Act.

Refusal to produce

(3) No person shall neglect or refuse to produce any drawings and specifications as required by an inspector under clauses *a* and *c* of subsection 1 of section 10.

False information, etc.

(4) No person shall furnish an inspector or chief official with false information or neglect or refuse to furnish

information required by an inspector or chief official in the exercise of his duties under this Act.

Information confidential

22.—(1) A chief official, inspector, person who, at the request of an inspector, accompanies an inspector, or person who, at the request of an inspector, makes an examination, test, or inquiry or takes samples shall not publish, disclose or communicate to any person any information, material, statement or result of any test, acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations.

Idem

(2) No report of a chief official, inspector, person who, at the request of an inspector, accompanies an inspector, or person who, at the request of an inspector, makes an examination, test or inquiry or takes samples shall be communicated, disclosed or published to any person except for the purposes of carrying out his duties under this Act or the regulations.

Compellability in civil suit

(3) No chief official, inspector, person who, at the request of an inspector, accompanies an inspector or person who makes an examination, test or inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act.

Power of Director to disclose

(4) The Director may communicate or allow to be communicated, disclosed or published information, material or statements or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations.

Informant confidential

(5) No person to whom information is communicated under this section or section 10 or 19 shall divulge the name of the informant to any person except for the purposes of this Act.

Offences

23.—(1) Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $10,000 and not as provided therein.

Continuing offence

(3) Every person who fails to comply with an order made by a chief official under subsection 5 of section 8 or subsection 3 of section 9 is guilty of an offence and on summary conviction, in addition to the penalties mentioned in subsections 1 and 2, is liable to a fine of not more than $100 per day for every day upon which the offence continued after such order was given.

Proof of order

24.—(1) In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed.

Proof of matters of record

(2) A statement as to any matter of record in an office of the chief official purporting to be certified by the chief official is, without proof of the office or signature of the chief official, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Restraining order

25.—(1) Where it appears to a chief official that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the chief official may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Municipal by-laws superseded
R.S.O. 1970, c. 349

26. Section 38 of *The Planning Act* is subject to this Act and the building code made under section 18 of this Act supersedes all municipal by-laws respecting the construction or demolition of buildings as defined in section 1.

Continuation of by-laws

27. Notwithstanding section 26, the by-laws made under the provisions referred to therein continue in force in lieu of the building code in respect of construction,

(*a*) for which a permit has been issued before this Act comes into force; or

(*b*) for which the working drawings, plans and specifications are substantially completed before this Act comes into force and for which an application for a permit under a by-law made under section 38 of *The Planning Act* is made within three months after that date,

on condition that the construction is commenced within six months after the permit is issued.

Commencement

28. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. This Act may be cited as *The Building Code Act, 1974*.

CHAPTER 75

An Act to amend The Corporations Tax Act, 1972

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 1, is further amended by adding thereto the following paragraph: s. 1 (1), amended

30*a*. "family farm corporation" means a corporation that is throughout the fiscal year a corporation,

i. every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by such individual and a member or members of his family ordinarily resident in Canada,

ii. 95 per cent of the assets of which were farming assets, and

iii. which carried on the business of farming in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the farm.

(2) Paragraph 31 of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1), par. 31, re-enacted

31. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit growing, and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming and, for the purposes of subsection 2 of section 135 only, does not include the maintaining of horses for racing;

31*a*. "farming assets" of a family farm corporation means,

i. cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,

ii. land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the corporation,

iii. any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,

iv. the building in which a shareholder or a member or members of his family reside who are engaged in the operation of the farm if that building is on land that is used or is contiguous to land used by that shareholder or member or members of his family in the operation of the farm,

v. shares in another family farm corporation.

s. 1 (1), amended

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

43*a*. "member of his family" means, with respect to an individual referred to in paragraph 30*a*,

i. his spouse,

ii. his child,

iii. his father, mother, brother or sister or any lawful descendant of such brother or sister,

iv. the brother or sister of his father or mother or any lawful descendant of any such brother or sister,

v. the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,

vi. his son-in-law or daughter-in-law,

R.S.O. 1970, c. 64

vii. a person adopted by him under *The Child Welfare Act* or the spouse or any lawful descendant of such person, or

viii. his grandfather or grandmother.

2. Subsection 1 of section 22 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 4, is further amended by adding thereto the following clause: s. 22 (1), amended

(*n*) an amount paid or payable by a corporation to a jurisdiction in respect of a mining royalty tax or a mining tax based on the production of or profits from the operation of a mineral resource in the jurisdiction for the fiscal year, except as permitted by regulation. Mineral resource taxes

3. Clause *x* of subsection 1 of section 24 of the said Act is repealed. s. 24 (1) (*x*), repealed

4. Subsections 1 and 2 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 157, section 16, are repealed and the following substituted therefor: s. 62 (1, 2), re-enacted

(1) Except as otherwise provided in this section, there may be deducted in computing a corporation's income for a fiscal year such amount as an allowance, if any, in respect of, Allowance for oil or gas well, mine or timber limit

(*a*) an oil or gas well, mineral resource or timber limit; or

(*b*) the processing, to the prime metal stage or its equivalent, of ore from a mineral resource,

that is 33⅓ per cent of the amount of the production profits or other subject of allowance of the corporation for the fiscal year as is prescribed by regulation.

(1*a*) Where a corporation has income for a fiscal year from an oil well or gas well that is outside Canada, there may be deducted in computing the corporation's income for a fiscal year, such amount as an allowance, if any, as is allowed by regulation. Allowance for oil and gas well outside Canada

(2) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1 prescribing the amount of production profits or other subject of allowance of a corporation in respect of an oil or gas well or a mineral resource or in respect of the processing of ore, Regulations

(*a*) there may be prescribed by such regulation an amount in respect of any or all,

(i) oil or gas wells or mineral resources in which the corporation has an interest, or

(ii) processing operations described in clause *b* of subsection 1 that are carried on by the corporation; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount of production profits or other subject of allowance of the corporation shall be determined.

Idem

(2*a*) For greater certainty it is hereby declared that, in the case of a regulation made under subsection 1*a* allowing to a corporation an amount in respect of an oil or gas well that is outside Canada,

(*a*) there may be allowed to the corporation by such regulation an amount in respect of any or all oil or gas wells in which the corporation has any interest; and

(*b*) notwithstanding any other provision in this Act, the Lieutenant Governor in Council may prescribe the formula by which the amount that may be allowed to the corporation by such regulation shall be determined.

s. 63, amended

5.—(1) Section 63 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following subsection:

Idem

(3*a*) A corporation other than a principal-business corporation may deduct, in computing its income for a fiscal year, the lesser of,

(*a*) the aggregate of such of its Ontario exploration and development expenses as were incurred by it before the end of the fiscal year to the extent that they were not deducted in computing its income for a previous year, minus that portion of the deduction allowed, if any, in computing its income for the fiscal year under subsection 2 or 3 which is reasonably attributable to Ontario exploration and development expenses; and

(*b*) that portion of the amount determined under clause *a* equal to the amount of its income for the fiscal year if no deductions were allowed under this section, minus,

(i) that portion of the deduction allowed for the fiscal year under subsection 2 or 3 which is

reasonably attributable to Ontario exploration and development expenses, and

(ii) the deduction allowed for the fiscal year under section 100.

(2) Subsection 4 of the said section 63 is amended by striking out "subsection 3" in the first line and inserting in lieu thereof "subsections 3 and 3*a*". s. 63 (4), amended

(3) Subsection 9 of the said section 63 is amended by striking out "In computing a corporation's Canadian exploration and development expenses" in the first and second lines and inserting in lieu thereof "In computing the Canadian exploration and development expenses and Ontario exploration and development expenses of a corporation". s. 63 (9), amended

(4) Subsection 10 of the said section 63 is amended by striking out "Where" in the first line and inserting in lieu thereof "Except as otherwise provided in this section, where". s. 63 (10), amended

(5) The said section 63 is further amended by adding thereto the following subsection: s. 63, amended

(10*a*) Notwithstanding subsection 10, where a corporation other than a principal-business corporation has incurred expenses the deduction of which from income is allowable under subsection 2, 3 or 3*a*, Idem

(*a*) a corporation that is entitled to a deduction under subsection 2 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3*a*; and

(*b*) a corporation that is entitled to a deduction under subsection 3 may, in addition to that deduction, deduct such additional amount as it may claim in respect of Ontario exploration and development expenses under subsection 3*a*.

(6) Subsection 12 of the said section 63, as amended by the Statutes of Ontario, 1973, chapter 157, section 17, is further amended by adding thereto the following clauses: s. 63 (12), amended

(*ea*) "Ontario exploration and development expenses" incurred by a corporation means any expenses that would be Canadian exploration and development expenses incurred by the corporation if clause *b* of this subsection were read as if the references therein to,

(i) "in Canada" were references to "in Ontario",

(ii) "after 1971" were references to "after the 9th day of April, 1974", and

(iii) "Canadian" were references to "Ontario";

(*eb*) "Ontario resource property" of a corporation means any property that would be a Canadian resource property of the corporation if clause *c* of this subsection were read as if the references therein to,

(i) "in Canada" were references to "in Ontario", and

(ii) "after 1971" were references to "after the 9th day of April, 1974".

s. 75 (2) (*a*), re-enacted

6. Clause *a* of subsection 2 of section 75 of the said Act is repealed and the following substituted therefor:

Exemption for three years

(*a*) Subject to the prescribed conditions, there shall not be included, in computing the income of a corporation, income derived from the operation of a mine that came into production before 1974 to the extent that such income is gained or produced during the period commencing with the day on which the mine came into production and ending with the earlier of the 31st day of December, 1973 and the day thirty-six months after the day on which the mine came into production.

s. 106*a*, enacted

7. The said Act is amended by adding thereto the following section:

Small business incentive

1970-71, c. 63 (Can.)

106*a*.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation that, with respect to such fiscal year, was eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to the lesser of,

(*a*) 5 per cent of its eligible taxable paid-up capital for the fiscal year; and

(*b*) 6 per cent of the amount determined under subsection 2.

Idem

(2) For the purposes of clause *b* of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income*

Tax Act (Canada) for the fiscal year, not exceeding $50,000, that,

(*a*) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada), 1970-71, c. 63 (Can.)

bears to

(*b*) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

Idem (3) In addition to the deduction permitted under subsection 1 there may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation, the amount, if any, by which the amount determined under clause *a* of subsection 1 exceeds the amount determined under clause *b* of that subsection for any of the five fiscal years immediately preceding the fiscal year to the extent that such amount has not previously been deducted under this subsection except that,

(*a*) the amount that would otherwise be deductible under this subsection from the tax otherwise payable under this Part for a fiscal year shall not be deducted for any fiscal year in respect of which the corporation was not eligible for a deduction under section 125 of the *Income Tax Act* (Canada) or any subsequent fiscal year; and

(*b*) in no case shall the additional deduction allowed under this subsection operate to permit a deduction for the fiscal year in excess of the amount determined under clause *b* of subsection 1 for the fiscal year.

Interpretation (4) In this section,

(*a*) "eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that section for the fiscal year by reason only that the amount determined under paragraph *a* or *b* of subsection 1 of that section was nil for that fiscal year,

1970-71, c. 63 (Can.)

and "not eligible for a deduction under section 125 of the *Income Tax Act* (Canada)" has a corresponding meaning;

(*b*) "eligible taxable paid-up capital for the fiscal year" means, in respect of any fiscal year ending after the 9th day of April, 1974, the amount, if any, by which,

(i) the taxable paid-up capital amount of a corporation for that fiscal year determined in accordance with subsection 6,

exceeds

(ii) the greatest of the taxable paid-up capital amounts of a corporation for the fiscal years ending on or after the 31st day of March, 1973 and before that fiscal year, determined in accordance with subsection 6,

minus any deduction required by subsection 5; and

(*c*) "tax otherwise payable under this Part" means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under sections 103, 104, 105 and 106 but before making any deduction under this section.

Reduction of eligible paid-up capital

(5) Where, for the purposes of section 132, part of the taxable paid-up capital of a corporation determined under Division B of Part III for the fiscal year is deemed to have been used in a jurisdiction outside Ontario, the amount determined under clause *b* of subsection 4 shall be reduced in the same ratio that the tax payable under section 131 is reduced for that fiscal year.

Taxable paid-up capital amount

(6) For the purposes of clause *b* of subsection 4, "taxable paid-up capital amount" for a fiscal year means the amount of the taxable paid-up capital of the corporation determined under Division B of Part III for the fiscal year reduced by such of the following amounts as are applicable,

(*a*) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any appraisal surplus;

(*b*) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year any amounts that in the opinion of the Minister are represented by,

(i) the corporation's year-end cash balances,

(ii) loans receivable from shareholders or any other person not dealing at arm's length with such shareholders or the corporation, or

(iii) assets transferred to the corporation in any manner whatsoever from a person with whom the corporation was not dealing at arm's length;

(*c*) the amount by which the taxable paid-up capital of the corporation for the fiscal year was increased by including in the paid-up capital of the corporation for that fiscal year amounts, other than eligible capital expenditure, represented by goodwill or other intangible assets;

(*d*) the amount by which the taxable paid-up capital of the corporation for the fiscal year was, in the opinion of the Minister, artificially increased for that fiscal year.

Special rules re commencement of deduction

(7) For the purposes of this section, the following rules apply,

(*a*) where a corporation did not have a fiscal year ending prior to the 9th day of April, 1974, the deduction permitted under this section shall commence with the fiscal year immediately following the first fiscal year of the corporation that is not less than twelve months throughout which it carried on an active business in Canada;

(*b*) where the fiscal year of a corporation ending on or after the 31st day of March, 1973 is less than twelve months, or where a corporation did not carry on an active business in Canada throughout its fiscal year that included the 31st day of March, 1973, the deduction permitted under this section shall commence with the fiscal year immediately following the fiscal year of the corpora-

tion ending on or after the 31st day of March, 1973 that is not less than twelve months throughout which it carried on an active business in Canada.

s. 109*a*, enacted

8. The said Act is further amended by adding thereto the following section:

Mortgage Investment Corporations

Deduction from tax

109*a*.—(1) In computing the income for a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation,

(*a*) there may be deducted the aggregate of,

(i) all taxable dividends, other than capital gains dividends, paid by the corporation during the fiscal year or within ninety days after the end of the fiscal year (not exceeding the amount by which the taxable income of the corporation for the fiscal year, determined without regard to the provisions of this clause, exceeds the taxed capital gains of the corporation for the fiscal year) to the extent that such dividends were not deductible by the corporation in computing its income for the preceding fiscal year, and

(ii) one-half of all capital gains dividends paid by the corporation during the period commencing ninety-one days after the commencement of the fiscal year and ending ninety days after the end of the fiscal year; and

(*b*) no deduction may be made under section 100 in respect of taxable dividends received by it from other corporations.

Dividend equated to bond interest

(2) For the purposes of this Act, any amount received from a mortgage investment corporation by a shareholder of the corporation as or on account of a taxable dividend, other than a capital gains dividend, shall be deemed to have been received by the shareholder as interest payable on a bond issued by the corporation after 1971.

Application of subs. 2

(3) Subsection 2 applies where the taxable dividend (other than a capital gains dividend) therein described was paid during a fiscal year throughout which the paying

corporation was a mortgage investment corporation or within ninety days thereafter.

Electing capital gains dividend

(4) Where at any particular time during the period commencing ninety-one days after the commencement of a fiscal year of a corporation that was, throughout the fiscal year, a mortgage investment corporation and ending ninety days after the end of the fiscal year, a dividend is paid by the corporation to shareholders of the corporation and the corporation has elected in respect of the full amount of the dividend in accordance with subsection 4 of section 130.1 of the *Income Tax Act* (Canada), 1970-71, c. 63 (Can.)

(*a*) the dividend shall be deemed to be a capital gains dividend to the extent that it does not exceed,

(i) two times the taxed capital gains of the corporation for the fiscal year,

minus

(ii) such part, if any, of each dividend paid by the corporation during the period and before the particular time as is deemed by this subsection to be a capital gains dividend; and

(*b*) notwithstanding anything in this Act, any amount received by a corporation in a fiscal year as or on account of the dividend shall not be included in computing its income for the fiscal year as income from a share of the capital stock of the paying corporation, but shall be deemed to be a capital gain of the corporation for the fiscal year from the disposition of capital property.

Public corporation

(5) Notwithstanding any other provision of this Act, a mortgage investment corporation shall be deemed to be a public corporation.

Meaning of "mortgage investment corporation"

(6) For the purposes of this section, a corporation is a mortgage investment corporation throughout a fiscal year if, throughout the fiscal year, it was a mortgage investment corporation as defined by subsection 6 of section 130.1 of the *Income Tax Act* (Canada).

Interpretation

(7) In this section, "taxed capital gains" has the meaning given to that expression by subsection 6 of section 109.

s. 127 (1) (*d*), repealed

9.—(1) Clause *d* of subsection 1 of section 127 of the said Act is repealed.

s. 127 (2) (c), repealed

(2) Clause *c* of subsection 2 of the said section 127 is repealed.

s. 135 (2), re-enacted

10. Subsection 2 of section 135 of the said Act is repealed and the following substituted therefor:

Idem

(2) Subject to subsection 3, every corporation referred to in paragraph 30*a* of subsection 1 of section 1, section 109*a*, section 114 and clause *j* of subsection 1 of section 122 shall, in lieu of the tax payable under section 131 or 133, pay a tax of $50.

Idem

(3) Subsection 2 does not apply in the case of a corporation referred to in paragraph 30*a* of subsection 1 of section 1 where, for the purposes of section 33, the Minister has determined that the corporation's chief source of income for a fiscal year is neither farming nor a combination of farming and some other source of income.

Commencement and application

11.—(1) In this section, "the principal Act" means *The Corporations Tax Act, 1972*, as amended by *The Corporations Tax Amendment Act, 1973* (*No. 1*) and *The Corporations Tax Amendment Act, 1973* (*No. 2*).

Idem

(2) This Act, except sections 1, 2, 3, 4, 5, 7, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(3) Sections 1, 5 and 10 shall be deemed to have come into force on the 9th day of April, 1974 and apply to corporations in respect of all fiscal years that end after that date.

Idem

(4) Sections 2, 3 and 4 shall be deemed to have come into force on the 10th day of April, 1974 and apply to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of income of a corporation under Part II of the principal Act, as amended by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974 and that includes that day, the following rules apply,

(*a*) determine the income under Part II of the principal Act, as amended by this Act that, but for the rules made applicable by this section, would be computed by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day;

(*b*) determine the proportion of the amount determined under clause *a* that the number of days

of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year;

(*c*) determine the income that, but for the rules made applicable by this section, would be computed for the fiscal year that ends after the 9th day of April, 1974 and that includes that day under Part II of the principal Act as that Part stood prior to the 10th day of April, 1974, and on the assumption that that Part was applicable to that fiscal year;

(*d*) determine that proportion of the amount determined under clause *c* that the number of days of the fiscal year prior to the 10th day of April, 1974 bears to the total number of days of that fiscal year;

(*e*) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the income under Part II of the principal Act, as amended by this Act, of a corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

Idem

(5) Section 9 shall be deemed to have come into force on the 10th day of April, 1974, and applies to corporations with respect to all fiscal years that end after the 9th day of April, 1974, except that, in determining the amount of the deduction from paid-up capital of a corporation permitted under clause *d* of subsection 1 of section 127 of the principal Act, repealed by this Act, with respect to the fiscal year of a corporation that ends after the 9th day of April, 1974, and that includes that day, the following rules apply,

(*a*) determine the deduction from paid-up capital permitted under clause *d* of subsection 1 of section 127 that, but for the rules made applicable by this section, would be deductible by the corporation for a fiscal year that ends after the 9th day of April, 1974 and that includes that day as that section stood prior to the 10th day of April, 1974, and on the assumption that that section was applicable to that fiscal year;

(*b*) determine that proportion of the amount determined under clause *a* that the number of days of the fiscal year prior to the 10th day of April, 1974, bears to the total number of days of that fiscal year,

and the amount determined under clause *b* is the amount that is deductible by the corporation for its fiscal year that ends after the 9th day of April, 1974, and that includes that day.

Idem

(6) Section 7 shall be deemed to have come into force on the 9th day of April, 1974 and applies to corporations in respect of all fiscal years that end after the 9th day of April, 1974, except that the amount to be determined under subsection 2 of section 106*a* for the fiscal year that ends after the 9th day of April, 1974 and that includes that day shall be that proportion thereof that the number of days of the fiscal year that follow the 9th day of April, 1974 bears to the total number of days of that fiscal year.

Idem

(7) Section 8 shall be deemed to have come into force on the 1st day of January, 1972 and applies to any fiscal year of a mortgage investment corporation commencing after 1971.

Short title

12. This Act may be cited as *The Corporations Tax Amendment Act, 1974*.

CHAPTER 76

An Act to amend The Moosonee Development Area Board Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Moosonee Development Area Board Act*, being chapter 277 of the Revised Statutes of Ontario, 1970, is amended by striking out "five" in the first line and inserting in lieu thereof "seven". s. 2 (2), amended

(2) Subsection 3 of the said section 2 is amended by striking out "Three" and inserting in lieu thereof "Four". s. 2 (3), amended

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

3. This Act may be cited as *The Moosonee Development Area Board Amendment Act, 1974*. Short title

CHAPTER 77

An Act to amend The Ontario Municipal Improvement Corporation Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Ontario Municipal Improvement Corporation Act*, being chapter 325 of the Revised Statutes of Ontario, 1970, is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause: s. 3 (1), amended

(*c*) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality, having a population of 100,000 or more, debentures issued by it for the erection or alteration of stadia.

2. Subsection 1 of section 9 of the said Act is amended by inserting after "Ontario" in the third line "in a category mentioned in section 3". s. 9 (1), amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Ontario Municipal Improvement Corporation Amendment Act, 1974*. Short title

CHAPTER 78

An Act to repeal The Ontario Pensioners Assistance Act, 1973

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Pensioners Assistance Act, 1973*, being chapter 122, is repealed. Act repealed

2. This Act shall be deemed to have come into force on the 1st day of January, 1974. Commencement

3. This Act may be cited as *The Ontario Pensioners Assistance Repeal Act, 1974*. Short title

CHAPTER 79

An Act to amend The Ministry of Colleges and Universities Act, 1971

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, is repealed and the following substituted therefor: s. 5 (1), re-enacted

(1) The Minister may determine the amount of any capital expenditure of a university or a college of applied arts and technology or of Ryerson Polytechnical Institute, the Art Gallery of Ontario, The Royal Ontario Museum or the Ontario College of Art that may be financed through The Ontario Universities Capital Aid Corporation, and debentures may be purchased from a university or a college of applied arts and technology or from Ryerson Polytechnical Institute, the Art Gallery of Ontario, The Royal Ontario Museum or the Ontario College of Art by the Corporation only on the recommendation of the Minister. Capital expenditures financed through The Ontario Universities Capital Aid Corporation

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1974, (No. 2)*. Short title

CHAPTER 80

The Community Recreation Centres Act, 1974

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpretation

(*a*) "approved corporation" means a corporation approved under section 8;

(*b*) "band", "council of the band" and "reserve" have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. I-6

(*c*) "board" means a board as defined in *The Schools Administration Act*; R.S.O. 1970, c. 424

(*d*) "committee of management" means a committee appointed under section 5;

(*e*) "community recreation centre" means land or all or any part of a building or buildings or structure established in accordance with this Act that is maintained and operated for community recreation activity;

(*f*) "corporation" means a corporation without share capital having objects of a charitable, educational or social nature,

(i) to which Part III of *The Corporations Act* applies, or R.S.O. 1970, c. 89

(ii) that is incorporated under a general or special Act of the Parliament of Canada;

(*g*) "Minister" means the Minister of Community and Social Services;

(*h*) "municipality" means a city, town, village, township or improvement district;

(*i*) "regulations" means the regulations made under this Act.

Community centre deemed community recreation centre R.S.O. 1970, c. 73

(2) For the purposes of this Act, a community centre established under *The Community Centres Act* shall be deemed to be a community recreation centre established in accordance with this Act.

By-laws for the establishment of community recreation centres

2.—(1) The council of a municipality may, by by-law, provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations and may acquire by purchase, lease or otherwise real and personal property for that purpose and the council shall submit a copy of the by-law to the Minister.

By-law for acquiring land in another municipality

(2) A by-law enacted pursuant to subsection 1 may provide for acquiring land and establishing a community recreation centre in territory without municipal organization that is contiguous to the establishing municipality or in a municipality that is contiguous to the establishing municipality.

Debentures R.S.O. 1970, c. 284

(3) A municipality may issue debentures for the purpose of subsection 1 in the manner provided by *The Municipal Act*.

Grants in aid

(4) The council of a municipality may pass by-laws granting aid to community recreation centres.

Council may prescribe fees, etc.

(5) The council of a municipality may prescribe fees and fix charges for the admittance to or the use of a community recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the council may prescribe.

Establishment of community recreation centres by boards

3.—(1) A board with jurisdiction in territory without municipal organization may provide for the establishment, maintenance and operation of one or more community recreation centres in accordance with this Act and the regulations in such territory without municipal organization and may acquire by purchase, lease or otherwise real and personal property for that purpose.

Board may prescribe fees, etc.

(2) A board that establishes a community recreation centre under subsection 1 may prescribe fees and fix charges for the admittance to or the use of the community

recreation centre and may from year to year or for any time not exceeding ten years let the right to sell refreshments within the community recreation centre on such terms and conditions as the board may prescribe.

Agreements for joint use of community recreation centres

4. The council of a municipality may enter into an agreement with the council or councils of any other municipality or municipalities for the joint establishment or use of a community recreation centre upon such terms as may be agreed respecting the cost and maintenance of the community recreation centre and the council shall submit a copy of the agreement to the Minister.

Composition of committee

5.—(1) The council of a municipality or a board establishing a community recreation centre under this Act may appoint a committee for the management and control of the community recreation centre composed of not fewer than three persons who are qualified to be elected as members of the council or of the board, as the case may be, and where the committee is composed of five or more persons, at least two shall be members of the council or of the board, as the case may be.

Joint committee

(2) The council or board may appoint one committee of management in the manner provided in subsection 1 to manage and control any or all community recreation centres established by the municipality or board, as the case may be.

Appointments

(3) The members of the committee of management shall be appointed annually by the council or board, as the case may be.

Appointment to committee of persons not qualified to be elected to council

(4) Notwithstanding subsection 1, where financial aid or contribution in respect of the establishment or maintenance of a community recreation centre under this Act is granted or made by any person, society, board or other body or by any other municipality not within the territorial jurisdiction of the municipality or board, as the case may be, that establishes the community recreation centre, the council of that municipality or board may appoint as members of the committee of management persons who are not qualified to be elected as members of the council of the municipality or board, as the case may be, that establishes the community recreation centre, but any persons appointed to represent a municipality or board contributing to the cost of the community recreation centre under an agreement for the joint establishment or use thereof shall be qualified to be elected as a member of the council of the contributing municipality or as a member of the contributing board, as the case may be.

Quorum

(5) A majority of the members of the committee of management shall be a quorum.

Committee may make rules and fix charges

(6) The committee of management of a community recreation centre may make such rules as it considers necessary relating to the management and control thereof and may fix such charges for the use of the community recreation centre as it considers advisable.

Power of committee to let the right to sell refreshments

(7) Subject to subsection 5 of section 2 and subsection 2 of section 3, the committee of management of a community recreation centre has the power to let from year to year, or for any time not exceeding ten years, the right to sell refreshments on such terms and conditions as the committee shall prescribe.

Assets and liabilities to vest in establishing municipality or board

R.S.O. 1970, c. 424

(8) Notwithstanding subsection 1, and subject to any agreement entered into under section 4 of this Act or under section 36*a* of *The Schools Administration Act*, all assets realized and liabilities incurred in connection with a community recreation centre shall vest in the municipality or board, as the case may be, that establishes the community recreation centre.

Estimate of committee's financial requirements

(9) A committee of management shall submit annually for approval by the council of the municipality or board, as the case may be, that establishes the community recreation centre, an estimate of the committee's net financial requirements for the year, and the council of the municipality or board, as the case may be, may amend the estimate prior to approval and where the estimate is approved, shall pay out of moneys appropriated for the committee such amounts as may be requisitioned by the committee from time to time but not exceeding in any year the amount of the approved estimate.

Idem

(10) Where a community recreation centre is jointly established pursuant to an agreement under section 4, the committee of management shall submit its estimate for approval by the council of each participating municipality together with a statement as to the proportion of the estimate to be charged to each municipality and the provisions of subsection 9 shall apply *mutatis mutandis*.

Idem

(11) A committee of management shall not make or incur liability for any expenditure that is not approved under subsection 9 or 10 as part of its annual estimate and the municipality or board that establishes the community recreation centre or that participates in the joint establishment or use of the community centre, as the case may be,

shall not be liable for any expenditure that is not approved under subsection 9 or 10.

Grants to municipalities

6.—(1) The Minister may out of moneys appropriated therefor by the Legislature direct payment to a municipality of an amount computed in accordance with the regulations towards the cost, approved by the Minister, of the erection, alteration, extension, acquisition by purchase, lease or otherwise or the renovation of a community recreation centre but not exceeding the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of such cost for any community recreation centre.

Idem

(2) Notwithstanding subsection 1, where an agreement for the joint establishment or use of a community centre is entered into under section 4, or under section 36*a* of *The Schools Administration Act*, the amount of the grant under subsection 1 to each participating municipality shall not exceed the lesser of $75,000 or 25 per cent or such greater amount as the regulations prescribe of the value of the contribution by the municipality for the community recreation centre.

R.S.O. 1970, c. 424

Grants to boards under predecessor Act

(3) Where a community recreation centre was established in a municipality by a board prior to the coming into force of this Act, the Minister may out of moneys appropriated therefor by the Legislature direct payment to the board of an amount computed in accordance with subsection 1 towards the cost, approved by the Minister, of the alteration, extension or renovation of the community recreation centre.

Plans to be submitted to Minister

7. No grant shall be made under section 6 or 9 for the erection, alteration, extension, acquisition or renovation of a community recreation centre until the plans therefor have been submitted to the Minister.

Approval of corporation by Minister

8. Where the Minister is satisfied that any corporation is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a community recreation centre and that its affairs are carried on under competent management in good faith for charitable, educational or social purposes, he may approve such corporation as a corporation for the purposes of this Act.

Grants in unorganized territories

9. The Minister may, out of moneys appropriated therefor by the Legislature and upon such terms and conditions as he may determine, direct payment to,

(*a*) the council of a band;

(*b*) an approved corporation where the community recreation centre is or will be in territory without municipal organization; or

(*c*) a board with jurisdiction in territory without municipal organization where the community recreation centre is or will be in such territory,

for the erection, alteration, extension, acquisition by purchase, lease or otherwise, or the renovation of a community recreation centre.

Change of site or use or disposal of community recreation centres

10. No municipality, board, band or approved corporation that has been paid a grant under section 6 or 9, as the case may be, in respect of a community recreation centre shall change the site or use of the community recreation centre or sell, lease, mortgage or otherwise dispose of any part of or interest in the community recreation centre without the approval in writing of the Minister, and such approval may be subject to such terms and conditions as the Minister may consider advisable, including a condition requiring the repayment in whole or in part of any such grant.

Suspension or revocation of approval

11.—(1) An approval given under this Act may be suspended or revoked by the Minister, where,

(*a*) a director, officer or servant of the municipality, board or approved corporation, as the case may be, has contravened or knowingly permitted a person under his control and direction to contravene a provision of this Act or the regulations and such contravention occurred through lack of competence or with intent to evade the requirements of such provision; or

(*b*) the approval would be refused if application were being made for it in the first instance.

Hearing

(2) Subject to subsection 6 and except where an approval is suspended or revoked with consent of the municipality, board or approved corporation, as the case may be, before suspending or revoking an approval given under this Act, the Minister shall cause a hearing as to whether the approval should be suspended or revoked to be held by a person, other than a person in the employment of the Ministry of Community and Social Services, appointed by the Minister.

Application of 1971, c. 47

(3) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report

(4) The person conducting a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out his findings of fact and any information or knowledge used by him in making his recommendations, and his recommendations as to the suspension or revocation of the approval, and shall send a copy of his report to the persons affected.

Decision of Minister

(5) After considering a report made to him under this section, the Minister may thereupon suspend or revoke the approval to which the report relates and shall give notice of his decision to the persons affected, specifying the reasons therefor.

Provisional suspension

(6) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act, where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the health or safety of any person or to the public and the Minister so states in such notice giving his reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 5 apply.

Regulations

12. The Lieutenant Governor in Council may make regulations,

(*a*) governing applications by municipalities, boards, approved corporations and bands for payments under this Act, and prescribing the terms and conditions upon which such payments may be made, and the time and manner of payment;

(*b*) prescribing classes of grants and the manner of computing the amounts of such grants or any class thereof payable under this Act;

(*c*) prescribing the greater amount of the maximum of a grant or class thereof for the purposes of section 6;

(*d*) prescribing the uses to which a community recreation centre may be put and the accommodation that may be provided therein;

(*e*) prescribing the powers and duties of municipalities, committees of management, bands and boards as they relate to the operation and management of a community recreation centre and providing for the appointment of officers of such committees;

(*f*) prescribing the records to be kept and the returns to be made to the Minister in respect of community recreation centres and the method, time and manner in which such records and returns shall be made;

(*g*) prescribing forms and providing for their use.

Repeals

13. The following are repealed:

1. *The Community Centres Act*, being chapter 73 of the Revised Statutes of Ontario, 1970.

2. *The Community Centres Amendment Act, 1972*, being chapter 157.

3. Section 20 of *The Government Reorganization Act, 1972*, being chapter 1.

Commencement

14. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Community Recreation Centres Act, 1974*.

CHAPTER 81

An Act to amend The Judicature Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "nine" in the third line and inserting in lieu thereof "thirteen". s. 4 (1), amended

2. Subsection 1 of section 42 of the said Act is amended by striking out "High Court" in the fourth line and inserting in lieu thereof "court in which the action or proceeding was commenced". s. 42 (1), amended

3. The said Act is amended by adding thereto the following section: s. 68*a*, enacted

68*a*.—(1) In this section, Interpretation

(*a*) "judge" means the person presiding at a judicial proceeding;

(*b*) "judicial proceeding" means a proceeding of a court of record;

(*c*) "precincts of the building" means the space enclosed by the walls of the building.

(2) Subject to subsection 3, no person shall, Prohibition against photography, etc., at judicial proceedings

(*a*) take or attempt to take any photograph, motion picture or other record capable of producing visual representations by electronic means or otherwise,

(i) at a judicial proceeding, or

(ii) of any person entering or leaving the room in which the judicial proceeding is to be or has been convened, or

(iii) of any person in the precincts of the building in which the judicial proceeding is to be or has been convened where there is reasonable ground for believing that such person is there for the purpose of attending or leaving the proceeding; or

(*b*) publish, broadcast, reproduce or otherwise disseminate any photograph, motion picture or record taken or made in contravention of clause *a*.

Exceptions

(3) Subsection 2 does not apply to any photograph, motion picture or record taken or made upon authorization of the judge,

(*a*) where required for the presentation of evidence or the making of a record or for any other purpose of the judicial proceeding;

(*b*) in connection with any investive, ceremonial, naturalization or similar proceedings; or

(*c*) with the consent of the parties and witnesses, for such educational or instructional purposes as may be approved by the judge.

Offence

(4) Every person who is in contravention of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than six months, or to both.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Judicature Amendment Act, 1974*.

CHAPTER 82

An Act to amend The Election Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act*, being chapter 142 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 9*a*, enacted

9*a*. No judge of any court is qualified to vote in any election. Judges disqualified

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Election Amendment Act, 1974*. Short title

CHAPTER 83

An Act to amend The Statutes Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Statutes Act*, being chapter 446 of the Revised Statutes of Ontario, 1970, is amended by striking out "and the day, month and year of the prorogation of the session of the Legislature at which it was passed" in the fourth and fifth lines. s. 4, amended

2. Subsection 2 of section 5 of the said Act is amended by striking out "and in every such case the Clerk of the Assembly shall endorse on every Act passed at the session the day, month and year of the dissolution in lieu of the day, month and year of the prorogation" in the fourth, fifth, sixth and seventh lines. s. 5 (2), amended

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Statutes Amendment Act, 1974*. Short title

CHAPTER 84

An Act to amend The Execution Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 32 of *The Execution Act*, being chapter 152 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 32, amended

(5) Where a regional or district municipality or a county is created, the land therein shall be deemed to be annexed to the regional or district municipality or county for the purposes of this section. Creation of regional or district municipalities or counties

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Execution Amendment Act, 1974*. Short title

CHAPTER 85

An Act to amend The Municipal Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 36 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1 and amended by 1973, chapter 83, section 2, is further amended by adding thereto the following subsections: s. 36, amended

(2*a*) For the purposes of subsection 2, a county that has been restructured to provide that it is composed of area municipalities shall be deemed to be a regional municipality. Restructured county deemed regional municipality

(2*b*) Where any person is elected to a council in the year 1974, and section 36 as it existed on the day of such election did not render such person ineligible to be elected to the council, or to hold office as a member of such council, subsection 2*a* does not have the effect of rendering such person ineligible to hold office as a member of such council during the term of office for which he was elected in 1974. Application of R.S.O. 1970, c. 284, s. 36

(2) Subsections 3 and 4 of the said section 36 are repealed and the following substituted therefor: s. 36 (3, 4), re-enacted

(3) Any employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 393 who proposes to be a candidate to hold office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection 2 applies shall apply to the council of the municipality or to the local board, as the case may be, of which he is a employee for leave of absence without pay for a period, Leave of absence

(*a*) not longer than that commencing thirty days before the beginning of the period during which

1972, c. 95

candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day; and

(*b*) not shorter than that commencing on the last day of the period during which candidates may be nominated under *The Municipal Elections Act, 1972* and ending on polling day,

and every such application shall be granted.

Resignation

(4) Where an employee of a municipality or a local board thereof other than a school board and other than a commissioner, superintendent or overseer of any work whose appointment is authorized under section 393 who is a candidate for office as a member of the council of that municipality or the council of a municipality in the circumstances to which subsection 2 applies under a leave of absence granted under subsection 3 is elected he shall forthwith resign his position as such employee.

Commencement

2.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 1 shall be deemed to have come into force on the 17th day of January, 1973.

Short title

3. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 2)*.

CHAPTER 86

An Act to amend The Health Insurance Act, 1972

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Health Insurance Act, 1972*, being chapter 91, as amended by the Statutes of Ontario, 1974, chapter 60, section 5, is further amended by adding thereto the following subsection: s. 22, amended

(5) Where a hearing is required or an appeal is taken pursuant to sections 24 to 28, the General Manager shall carry out the recommendations of the Medical Review Committee or of a practitioner review committee made pursuant to subsection 2 or 3 pending the decision or order of the Appeal Board or the Supreme Court. Where hearing required or appeal taken

2. Clause *e* of subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2) (*e*), re-enacted

(*e*) pursuant to a subpoena by a court of competent jurisdiction.

3. Section 49 of the said Act is amended by adding thereto the following subsection: s. 49, amended

(3) No person shall knowingly give false information in an application, return or statement made to the Plan or to the General Manager in respect of any matter under this Act or the regulations. False information

4. Section 51 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following subsection: s. 51, amended

(2) A regulation may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Adoption of schedules of fees

Council considers necessary, the fees in any schedule of fees as prescribed amounts payable in whole or in part, by the Plan.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Health Insurance Amendment Act, 1974 (No. 2)*.

CHAPTER 87

An Act to amend The Public Health Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2*b* of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 61, section 2, is repealed and the following substituted therefor: s. 2*b* (2), re-enacted

(2) Where a provincial judge is satisfied, upon an *ex parte* application by an inspector, public health inspector, medical officer of health, acting medical officer of health or associate medical officer of health, that there is reasonable ground for believing that it is necessary to enter any institution, building or place, including a private residence, for the administration of this Act or the regulations, the provincial judge may, whether or not an inspection, examination, investigation or inquiry has been made or attempted under any other section or subsection, issue an order authorizing an inspector or other such officer, together with such police officer or officers as he calls upon to assist him and if necessary by force, to enter therein or thereon and to make or require to be made such examinations, investigations and inquiries as may be necessary for the administration of this Act and the regulations and to make, take and remove or require to be made, taken or removed such samples, copies or extracts as may be related to the examinations, investigations and inquiries, but every such entry, examination, investigation, inquiry and making, taking and removing of samples, copies or extracts shall be carried out between sunrise and sunset unless the provincial judge authorizes the inspector, or other such officer, by the order, to so act at night. Order authorizing entry

2. Section 42 of the said Act is repealed and the following substituted therefor: s. 42, re-enacted

Protection from liability of medical officers and public health inspectors

42.—(1) No action or other proceeding shall be instituted against a medical officer of health, acting medical officer of health, associate medical officer of health or public health inspector for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Local board of health not relieved of liability

(2) Subsection 1 does not relieve a local board of health of liability in respect of a tort committed by a person referred to in subsection 1 and a local board of health is liable for any such tort in a like manner as if subsection 1 had not been enacted.

s. 45*i*, repealed

3. Section 45*i* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 80, section 4, is repealed.

s. 87*a*, amended

4. Section 87*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 61, section 11, is amended by adding thereto the following subsection:

Time for hearing

(4*a*) The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time, at the request or with the consent of the person requiring the hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just.

s. 87*d*, repealed

5. Section 87*d* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 61, section 11, is repealed.

s. 101 (1), amended

6. Subsection 1 of section 101 of the said Act is amended by striking out "at any time of the day or night, as often as he thinks necessary" in the second and third lines and inserting in lieu thereof "at any reasonable time".

s. 102, amended

7. Section 102 of the said Act is amended by adding thereto the following subsection:

Application of sections 87 to 87*c*

(2) The provisions of subsections 2 and 3 of section 87 and sections 87*a*, 87*b* and 87*c* apply *mutatis mutandis* where an order is made under subsection 1.

s. 103 (3), re-enacted

8. Subsection 3 of section 103 of the said Act is repealed and the following substituted therefor:

Service of copy of order and notice of prohibition or regulation

(3) A copy of an order made under subsection 1 and a notice of a prohibition or regulation under subsection 1 or 2 shall be served upon the owner or the person in charge of the building, land or premises in respect of which the order, prohibition or regulation is made.

(3*a*) The provisions of subsections 2 and 3 of section 87, subsections 1, 2, 4 and 5 of section 87*a* and sections 87*b* and 87*c* apply *mutatis mutandis* where an order, prohibition or regulation is made under subsection 1 or 2, and the provisions of subsection 3 of section 87*a* apply *mutatis mutandis* where such a prohibition or regulation is made. Application of sections 87 to 87*c*

9. Section 117 of the said Act is repealed. s. 117, repealed

10. Section 138 of the said Act is repealed and the following substituted therefor: s. 138, re-enacted

138. Notwithstanding any other provision of this Act, any order or notice required under this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where the order or notice is served by registered mail, the service shall be deemed to have been made on the seventh day after the day of mailing unless the person to whom the order or notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the order or notice until a later date. Service of orders or notices

11. This Act comes into force on the day it receives Royal Assent. Commencement

12. This Act may be cited as *The Public Health Amendment Act, 1974* (*No. 2*). Short title

CHAPTER 88

An Act to amend The Loan and Trust Corporations Act

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Loan and Trust Corporations Act*, being chapter 254 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 101, section 1 and 1973, chapter 128, section 1, is further amended by inserting after "purpose" in the third line "of accepting deposits or issuing debentures, notes and like obligations and". s. 1 (*h*), amended

(2) The said section 1 is amended by adding thereto the following clause: s. 1, amended

(*oa*) "subordinated note" means an instrument evidencing an indebtedness of a corporation that by its terms provides that the indebtedness evidenced by it shall, in the event of the insolvency or winding-up of the corporation, rank equally with the indebtedness evidenced by other subordinated notes of the corporation but be subordinate in right of payment to all other indebtedness of the corporation.

2. The said Act is amended by adding thereto the following section: s. 2*a*, enacted

2*a*. This Act does not apply to, Application of Act

(*a*) an incorporated company that is authorized, constituted or operated for the purpose of lending money on the security of real estate or investing money in mortgages, charges or hypothecs upon real estate that does not accept deposits, and borrows only by way of,

(i) loans from chartered banks in the usual course of business, or

(ii) by the issue of debentures, notes or like obligations of an amount not less than $100,000 each to any one person on his account, whereby the company is not obligated, or by demand of the holder cannot be obligated, to repay the money secured by such a debenture, note or like obligation within five years from the date of the issue of the said debenture, note or like obligation;

(*b*) an incorporated company whose objects do not provide for the lending of money on the security of real estate or leaseholds or the investing of its funds in mortgages or hypothecs on real estate or leaseholds and that acquires the bonds, debentures, debenture stock or other securities of a company that are collaterally secured wholly or in part by a mortgage or hypothec upon real estate or leaseholds.

s. 3 (5), amended

3. Subsection 5 of section 3 of the said Act is amended by striking out "twenty-five" in the fourth line and inserting in lieu thereof "five".

s. 17*e* (1), amended

4. Subsection 1 of section 17*e* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 5, is amended by striking out "83" in the first line and inserting in lieu thereof "82".

s. 17*g*, re-enacted

5. Section 17*g* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 5, is repealed and the following substituted therefor:

Shares eligible for investment R.S.O. 1970, c. 224 R.S.C. 1970, c. L-12

17*g*. Notwithstanding subsection 1 of section 383 of *The Insurance Act* and sections 150 and 153 of this Act, the shares, debentures and other evidence of indebtedness of a loan corporation designated as a mortgage investment company under this Act or under the *Loan Companies Act* (Canada) are an eligible investment for the funds of insurance companies, trust companies and other loan corporations.

s. 24*f*, re-enacted

6. Section 24*f* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 128, section 6, is repealed and the following substituted therefor:

Where vote by ballot not required

24*f*. The chairman at a meeting has the right not to conduct a vote by way of ballot on any matter or group of matters in connection with which the form of proxy has provided a means whereby the person whose proxy is solicited may specify how such person wishes the shares registered in his name to be voted unless,

(*a*) a poll is demanded by any shareholder present at the meeting in person or represented thereat by proxy; or

(*b*) proxies requiring that the shares represented thereby be voted against what would otherwise be the decision of the meeting in relation to such matter or group of matters total more than 5 per cent of all the voting rights attaching to all the shares entitled to be voted and be represented at the meeting.

s. 40*a*, enacted

7. The said Act is further amended by adding thereto the following section:

Powers of president

40*a*. In addition to the general powers of delegation authorized by section 40, the shareholders of a corporation may, at a general meeting called for the purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate, with or without the power of subdelegation, to the president of the corporation the exercise of any or all powers or authorities whether discretionary or otherwise, that may arise through the performance of the corporation of its responsibilities under any will, trust, deed, contract or instrument and the exercise of any such power by the president shall in all instances constitute a performance by the corporation of its responsibilities under any will, trust, deed, contract or instrument.

s. 59, amended

8. Section 59 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 101, section 4, is amended by striking out "admitted" in the twelfth line and inserting in lieu thereof "omitted".

s. 74 (7*a*), amended

9. Subsection 7*a* of section 74 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 101, section 6, is amended by inserting after "is" in the third line "not".

s. 78 (1), amended

10.—(1) Subsection 1 of section 78 of the said Act is amended by striking out "the borrowing powers conferred by this Act" in the first and second lines and inserting in lieu thereof "its borrowing powers".

s. 78 (2), amended

(2) Subsection 2 of the said section 78 is amended by adding thereto the following clause:

(*aa*) issue subordinated notes to evidence any such borrowing referred to in clause *a* subject to regulations respecting the issuance of subordinated notes.

s. 80*a*, enacted

11. The said Act is further amended by adding thereto the following section:

Features of subordinated note

80*a*.—(1) A subordinated note,

(*a*) shall be issued only on application to the head office of the corporation;

(*b*) shall have a denomination of $50,000 or more, or such other amount as may be prescribed by the Lieutenant Governor in Council by regulation;

(*c*) shall be clearly designated on its face and in its terms as a subordinated note;

(*d*) shall have a fixed term to maturity of seven years or more, but with the approval of the Registrar may be for a lesser term or include a provision making it subject to earlier redemption at the option of the corporation; and

(*e*) shall be evidenced by a certificate, and the form and contents of such certificate are subject to the prior approval of the Registrar.

References to subordinated notes

(2) The corporation, or any person acting on its behalf, shall not, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the corporation refer to such note otherwise than as a subordinated note.

s. 82, re-enacted s. 83, repealed

12. Sections 82 and 83 of the said Act are repealed and the following substituted therefor:

Limit on borrowing

82.—(1) The total amount borrowed by a registered loan corporation, by way of the issue of debentures, bonds or other securities, including subordinated notes, and by way of deposits shall not at any time, except as authorized by subsection 5, exceed an amount equal to four times the excess of its assets over its liabilities, including subordinated notes, but the Lieutenant Governor in Council may, on the report of the Registrar, and on such terms and conditions as the Lieutenant Governor in Council may prescribe,

(*a*) increase the total amount that may be borrowed by a corporation, other than by subordinated notes, to an amount equal to such greater multiplier in excess of four times as the corporation may petition and is supported by a by-law under section 78, which by-law shall not increase the limit beyond twenty times the excess of its assets over its liabilities, excluding subordinated notes, unless the financial condition of the loan corporation complies with the standards established by the regulations; and

(*b*) prescribe the portion of the total amount that may be borrowed by such corporation by way of deposits.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing the financial standards of loan corporations for the purpose of subsection 1.

Limit on subordinated notes

(3) Where the Lieutenant Governor in Council has approved a by-law under subsection 1, the corporation shall not have outstanding subordinated notes issued by the corporation in an amount greater than the excess of the corporation's assets over its liabilities, including subordinated notes.

Subordinated notes for term of year or more

(4) Subject to subsection 3, where the Lieutenant Governor in Council has approved a by-law that increases the limit of the total amount that may be borrowed, beyond twenty times the excess of the corporation's assets over its liabilities, as provided for in subsection 1, the corporation shall maintain subordinated notes that have more than one year to run to maturity in an amount being not less than a percentage of the amount by which the total amount borrowed exceeds twenty times the excess of the assets over the liabilities, as determined under subsection 1, such percentage to be fixed by the Registrar.

Restrictions on limit

(5) The aggregate of the amounts of money borrowed by a corporation may, if approved by a by-law in accordance with section 78, at any time exceed the limit otherwise imposed by this section by an amount not greater than the amount by which the aggregate of,

(*a*) the cash owned by the corporation and held on hand or on deposit in a chartered bank or other depository approved by the Registrar; and

(*b*) the market value of the unencumbered debentures, bonds, stocks or other securities of or guaranteed

by the Government of Canada or of a province of Canada and maturing within three years, owned by the corporation,

exceeds 20 per cent of the amount of deposits and of obligations of the corporation payable in less than 100 days.

Returns

(6) Where a loan corporation passes a by-law under section 78 that enables the corporation to borrow moneys in excess of twenty times the excess of its assets over its liabilities or that authorizes the issue of subordinated notes, the corporation shall file with the Registrar a return in the form and at such intervals as is required by the Registrar relating to outstanding subordinated notes and to the financial condition of the corporation and compliance thereof with the standards prescribed by the regulations.

Subordinated notes

(7) A loan corporation that issues subordinated notes shall at all times maintain unencumbered investments in addition to those investments required to be held under section 81 that,

(*a*) in the aggregate equal the principal amount of the outstanding subordinated notes;

(*b*) are in securities authorized under clauses *e* to *k* of subsection 1 of section 150; and

(*c*) that mature within six months of the date that the subordinated notes mature.

Not applicable to federal corporations R.S.C. 1970, c. L-12

(8) Subsections 1 to 7 do not apply to registered loan corporations incorporated and licensed under the *Loan Companies Act* (Canada).

Requirements of federal corporations

(9) Each loan corporation registered in Ontario and incorporated and licensed under the *Loan Companies Act* (Canada) shall file with the Registrar copies of all applications filed under the *Loan Companies Act* (Canada) for any increase in the amount that it may borrow, and shall also file with the Registrar a copy of any approval of such application within seven days of filing or receipt, as the case may be.

s. 87 (1), re-enacted

13.—(1) Subsection 1 of section 87 of the said Act is repealed and the following substituted therefor:

Not to borrow by accepting deposits

(1) A provincial trust company does not have power to borrow money by taking deposits or by issuing debentures but may, subject to the regulations, borrow money by the issue of subordinated notes.

(2) Subsection 3 of the said section 87, as enacted by the Statutes of Ontario, 1972, chapter 101, section 11, is amended by striking out "subsection" in the second line and inserting in lieu thereof "subsections 1 and". s. 87 (3), amended

14. The said Act is further amended by adding thereto the following section: s. 87*a*, enacted

87*a*.—(1) A subordinated note, Features of sub-ordinated note

(*a*) shall be issued only on application to the head office of the company;

(*b*) shall have a denomination of $50,000 or more or such other amount as may be prescribed by the Lieutenant Governor in Council by regulation;

(*c*) shall be clearly designated on its face and in its terms as a subordinated note;

(*d*) shall have a fixed term to maturity of seven years or more, but with the approval of the Registrar may be for a lesser term or include a provision making it subject to earlier redemption at the option of the company; and

(*e*) shall be evidenced by a certificate, and the form and contents of such certificate are subject to the prior approval of the Registrar.

(2) The trust company, or any person acting on its behalf, shall not, in any offering circular, advertisement, correspondence or literature relating to a subordinated note issued or to be issued by the company refer to such note otherwise than as a subordinated note. References to sub-ordinated notes

15. Section 90 of the said Act is repealed and the following substituted therefor: s. 90, re-enacted

90.—(1) The total of the moneys received by a registered trust company as deposits under section 88 and for investment under section 89 or borrowed under section 87 shall not at any time, except as authorized by subsection 5, exceed an amount equal to twelve and one-half times the excess of its assets over its liabilities, including subordinated notes, but the Lieutenant Governor in Council may, on the report of the Registrar and on such terms and conditions as the Lieutenant Governor in Council may prescribe, Limit on guaranteed funds

(*a*) increase the total amount that may be so received or borrowed other than by subordinated notes by a company to an amount equal to such greater multiplier in excess of twelve and one-half times as the company may petition and is approved by a by-law under section 87, which by-law shall not increase the limit beyond twenty times the excess of its assets over its liabilities, excluding subordinated notes, unless the financial condition of the trust company complies with the standards established by the regulations; and

(*b*) prescribe the portion of the total amount that may be so received or borrowed by such company that may be borrowed by way of deposits.

Regulations

(2) The Lieutenant Governor in Council may make regulations prescribing the financial standards of trust companies for the purposes of subsection 1.

Limit on subordinated notes

(3) Where the Lieutenant Governor in Council has approved a by-law under subsection 1, the company shall not have outstanding subordinated notes issued by the company in an amount greater than the excess of the company's assets over its liabilities, including subordinated notes.

Subordinated notes for term of year or more

(4) Subject to subsection 3, where the Lieutenant Governor in Council has approved a by-law that increases the limit of the total amount that may be borrowed, beyond twenty times the excess of the company's assets over its liabilities, as provided for in subsection 1, the company shall maintain subordinated notes that have more than one year to run to maturity in an amount being not less than a percentage of the amount by which the total amount borrowed exceeds twenty times the excess of the assets over the liabilities, as determined under subsection 1, such percentage to be fixed by the Registrar.

Restrictions on limit

(5) The aggregate of the amounts of money so received and borrowed by a trust company may, if approved by a by-law in accordance with section 87, at any time exceed the limit otherwise imposed by this section by an amount not greater than the amount by which the aggregate of,

(*a*) the cash held by the company in its own right and for guaranteed investment and held on hand or on deposit in a chartered bank or other depository approved by the Registrar; and

(*b*) the market value of the unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of a province of Canada and maturing within three years held by the company in its own right and received for guaranteed investment,

exceeds 20 per cent of the amount of deposits and of funds received for guaranteed investment coming due in less than 100 days.

Returns

(6) Where a trust company passes a by-law under section 87 that enables the company to receive and borrow moneys in excess of twenty times the excess of its assets over its liabilities or that authorizes the issue of subordinated notes, the trust company shall file with the Registrar a return in such form and at such intervals as is required by the Registrar relating to outstanding subordinated notes and to the financial condition of the company and compliance thereof with the standards prescribed by the regulations.

Subordinated notes

(7) A trust company that issues subordinated notes shall at all times maintain unencumbered investments in addition to those investments required to be held under section 93 that,

(*a*) in the aggregate equal the principal amount of the outstanding subordinated notes;

(*b*) are in securities authorized under clauses *e* to *k* of subsection 1 of section 150; and

(*c*) mature within six months of the date that the subordinated notes mature.

Not applicable to federal companies R.S.C. 1970, c. T-16

(8) Subsections 1 to 7 do not apply to companies incorporated under the provisions of the *Trust Companies Act* (Canada).

Requirements of federal companies

(9) Each trust company registered in Ontario and incorporated under the *Trust Companies Act* (Canada) shall file with the Registrar copies of all applications and supporting documents filed under the *Trust Companies Act* (Canada) respecting applications for any increase in the amount it may borrow or receive as deposits or for guaranteed investment, and shall also file with the Registrar a copy of any approval of such application within seven days of filing or receipt, as the case may be.

s. 137 (1), par. 3, re-enacted

16. Paragraph 3 of subsection 1 of section 137 of the said Act is repealed and the following substituted therefor:

3. Corporations duly constituted as joint stock corporations under the laws of any other province of Canada or of Canada that issue permanent shares having capital paid in and unimpaired of at least $1,000,000, together with such surplus as the Minister in the circumstances may require, and who undertake to comply with and be bound by the provisions of sections 54 to 59 to the same extent as if they were a provincial corporation.

s. 166 (1), repealed

17. Subsection 1 of section 166 of the said Act is repealed.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1974*.

CHAPTER 89

An Act to amend The Town of Wasaga Beach Act, 1973

Assented to December 2nd, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Town of Wasaga Beach Act, 1973*, being chapter 79, is amended by striking out paragraphs 24 to 34 and inserting in lieu thereof: Schedule, amended

"Part of the Township of Sunnidale, commencing at a point in the west limit of Lot 1 in Concession XIV distant 2422.30 feet measured northerly therealong from its southwest angle;

THENCE north 66° 57′ east 428.31 feet to a point;

THENCE north 58° 33′ east 596.47 feet to a point;

THENCE north 71° 56′ 30″ east 995.39 feet to a point;

THENCE south 10° 34′ east 308.31 feet to a point;

THENCE north 72° 51′ east 1497.57 feet to a point;

THENCE south 10° 27′ 20″ east 1118.03 feet to a point;

THENCE north 70° 11′ 30″ east 2289.21 feet to a point in the west limit of the Old Sunnidale Road;

THENCE southeasterly along the west limit of the Old Sunnidale Road to the line between concessions XIII and XIV of the Township of Sunnidale;

THENCE easterly along the line between concessions XIII and XIV and its prolongation to the east boundary of the Township of Sunnidale;

THENCE northerly along the east boundary of the Township of Sunnidale to the southeasterly boundary of the Village of Wasaga Beach;

THENCE southwesterly along the boundaries between the Township of Sunnidale and the Village of Wasaga Beach to the west boundary of the Township of Sunnidale;

THENCE southerly along the west boundary of the Township of Sunnidale to the point of intersection of the said boundary with a line having a bearing of south 66° 57′ west from the point of commencement;

THENCE north 66° 57′ east to the point of commencement".

Commencement

2. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

3. This Act may be cited as *The Town of Wasaga Beach Amendment Act, 1974*.

CHAPTER 90

An Act to confirm Tax Sales

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax sales and tax deeds confirmed

1. All sales of land held prior to the 1st day of July, 1973, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township or in unsurveyed territory, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* or *The Municipal Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

R.S.O. 1970, cc. 32, 284

Registered tax arrears certificates confirmed

2. Every tax arrears certificate that was registered prior to the 1st day of July, 1973, that purports to have been registered pursuant to *The Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

R.S.O. 1970, c. 118

Registered redemption certificates confirmed R.S.O. 1970, c. 118

3. Every redemption certificate registered prior to the day this Act comes into force and purporting to have been registered pursuant to *The Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered vacating certificates confirmed

4. Every vacating certificate registered prior to the day this Act comes into force and purporting to have been registered pursuant to *The Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

By-laws declaring lands required for municipal purposes confirmed

5. Where any land has become vested in a municipality as a result of tax arrears procedures under any Act and such land has been declared by by-law of the municipality to be required for municipal purposes, such by-law is hereby confirmed and declared to be legal, valid and binding.

Pending litigation not affected

6. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Saving as to rights of Crown

7. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Tax Sales Confirmation Act, 1974*.

CHAPTER 91

An Act to amend The Income Tax Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 1, is repealed and the following substituted therefor: s. 3 (3) (*h*), re-enacted

(*h*) 30.5 per cent in respect of the 1972, 1973, 1974 and 1975 taxation years.

2.—(1) Subsection 2 of section 6*b* of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 153, section 2, is amended, s. 6*b* (2), amended

(*a*) by striking out "$400" in the fourth line and inserting in lieu thereof "$500";

(*b*) by striking out "1 per cent" in the sixth line and inserting in lieu thereof "2 per cent";

(*c*) by striking out "$90" in the eleventh line and inserting in lieu thereof "$180"; and

(*d*) by striking out "$100" in the thirty-fourth line and inserting in lieu thereof "$110".

(2) Subsection 4 of the said section 6*b*, as re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is amended by adding at the commencement thereof "Subject to subsection 10,". s. 6*b* (4), amended

(3) The said section 6*b* is amended by adding thereto the following subsections: s. 6*b*, amended

(10) For the purposes of this section, Where no deduction may be made

(*a*) where an individual or someone on his behalf is entitled to file returns under the Federal Act in respect of the individual's income for more than one taxation year ending in the same calendar year, the deduction to which the individual may be entitled under subsection 2 may be claimed only with respect to that taxation year that ends first after the commencement of that calendar year;

(*b*) no deduction under subsection 2 may be claimed in a return,

(i) filed pursuant to an election made under the provisions of subsection 2 of section 70 of the Federal Act, or

(ii) filed on behalf of an individual by a trustee in bankruptcy pursuant to the provisions of paragraph *e* or *h* of subsection 2 of section 128 of the Federal Act;

and

(*c*) notwithstanding clause *a*, where an individual is entitled to file returns under the Federal Act in respect of more than one taxation year ending in the same calendar year, and where the taxation year that ends first after the commencement of that calendar year ends on the day immediately before the day on which the individual became a bankrupt within the meaning of the *Bankruptcy Act* (Canada), the individual may, in computing the amount of the tax credit described in clause *a* of subsection 2, determine his occupancy cost to be the amount that would be his occupancy cost for the whole of that calendar year excluding any portion of that occupancy cost so determined that has been taken into account by the spouse of that individual in computing the amount of the tax credit described in clause *a* of subsection 2 for that calendar year.

R.S.C. 1970, c. B-3

Limitation on unclaimed deductions

(11) Where it is established to the Minister's satisfaction that, in respect of a particular taxation year, an individual was entitled to a deduction under subsection 2 exceeding the amount of the deduction allowed to him under subsection 2 for that taxation year, the amount of such excess (hereinafter called the "additional deduction") may be deducted from the individual's tax otherwise payable under this Act that is payable at the time of or next after the

establishing of the amount of the additional deduction, and if the amount of the additional deduction, together with the amount of any deduction under subsection 2 to which the individual is then entitled, exceeds the tax otherwise payable under this Act by the individual at the time of or next after the establishing of the amount of the additional deduction, the amount of such excess shall be paid to the individual by the Treasurer in accordance with subsection 5, provided that no claim to establish an additional deduction may be made after four years from the day of mailing of a notice of assessment of tax payable under this Act for the particular taxation year with respect to which the additional deduction is sought to be established or from the day of mailing of a notice that no tax under this Act is payable for such particular taxation year.

Commencement

3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 shall be deemed to have come into force on the 1st day of January, 1974 and applies to the 1974 and subsequent taxation years.

Short title

4. This Act may be cited as *The Income Tax Amendment Act, 1974*.

CHAPTER 92

An Act to amend The Ontario Universities Capital Aid Corporation Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 2 of *The Ontario Universities Capital Aid Corporation Act*, being chapter 331 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 39, section 1 and amended by 1973, chapter 65, section 2, is repealed and the following substituted therefor: s. 2 (*c*), re-enacted

(*c*) to the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art; and

. . . . .

2. Clause *c* of section 4 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 39, section 2 and amended by 1973, chapter 65, section 3, is repealed and the following substituted therefor: s. 4 (*c*), re-enacted

(*c*) to purchase from the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art bonds or debentures issued by them for capital construction projects that have been approved by the Lieutenant Governor in Council; and

. . . . .

3. Subsection 3 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 39, section 3, is repealed and the following substituted therefor: s. 11 (3), re-enacted

(3) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations made under this Act, may from time to time purchase from the Art Gallery of Ontario, The Royal Ontario Museum or the Purchase of debentures of the Art Gallery of Ontario, The Royal Ontario Museum or the Ontario College of Art

Ontario College of Art, bonds or debentures issued by such institutions for capital construction projects approved by the Lieutenant Governor in Council.

s. 15 (*c*), re-enacted

4. Clause *c* of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 39, section 4 and amended by 1973, chapter 65, section 5, is repealed and the following substituted therefor:

(*c*) the manner in which colleges, universities, municipalities, the Art Gallery of Ontario, The Royal Ontario Museum and the Ontario College of Art may apply to the Corporation for its purchase of their bonds or debentures, and the forms, records and proofs to be furnished with such applications.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Universities Capital Aid Corporation Amendment Act, 1974*.

CHAPTER 93

An Act to amend The Land Transfer Tax Act, 1974

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 1 of section 1 of *The Land Transfer Tax Act, 1974*, being chapter 8, is amended by adding at the end thereof "and a notice or caution in writing signifying the existence of any instrument or writing by which land is conveyed". s. 1 (1) (*c*), amended

(2) Subclauses i and ii of clause *f* of subsection 1 of the said section 1 are repealed and the following substituted therefor: s. 1 (1) (*f*) (i, ii), re-enacted

(i) that has allotted and issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are owned by one or more non-resident persons, but this subclause does not apply where it is established to the satisfaction of the Minister that such one or more non-resident persons do not in fact directly or indirectly exercise control over the corporation and that subclause v does not apply to the corporation,

(ii) that has allotted and issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are owned by any one non-resident person, but this subclause does not apply where it is established to the satisfaction of the Minister that such non-resident person does not in fact directly or indirectly exercise control over the corporation and that subclause v does not apply to the corporation.

s. 1 (1) (*g*), amended

(3) Clause *g* of subsection 1 of the said section 1 is amended by striking out "partnership property" in the fourteenth line and inserting in lieu thereof "property of such partnership, syndicate, association or other organization" and by striking out "established by a non-resident person within the meaning of subclause i, ii or iv or" in the seventeenth, eighteenth and nineteenth lines.

s. 1 (1) (*m*), amended

(4) Clause *m* of subsection 1 of the said section 1 is amended by striking out "or" at the end of subclause iii and by adding thereto the following subclauses:

(v) in the case where a lease of land, a transfer of the interest of a lessee under a lease of land, or a notice in writing signifying the existence of a lease of land or of a transfer of the interest of a lessee under a lease of land is not exempt from tax by virtue of subsection 4, the fair market value, ascertained as at the time of the tender for registration, of the land to which the lease extends or of a smaller portion of such land if only such smaller portion is conveyed, or

(vi) in the case of a notice or caution in writing signifying the existence of any instrument or writing by which land is conveyed and that is not a notice in writing described in subclause v, the value of the consideration, determined under subclauses i to iv, for the land conveyed by the instrument or writing that is referred to in such notice or caution in writing that is not a notice in writing described in subclause v.

s. 1 (3) (*a*), repealed

(5) Clause *a* of subsection 3 of the said section 1 is repealed.

s. 1, amended

(6) The said section 1 is amended by adding thereto the following subsection:

No tax on certain leases

(4) Notwithstanding any other provision of this Act, no tax is payable on the tender for registration of a conveyance that is a lease of land, the transfer of the interest of a lessee under a lease of land, or a notice in writing signifying the existence of a lease of land or of a transfer of the interest of a lessee under a lease of land if the lease, at the time the lease or transfer or notice of either of them is tendered for registration, is for an unexpired term which, including any renewals or extensions of such term provided for in the lease, cannot exceed fifty years.

2.—(1) Subsection 3 of section 2 of the said Act is amended by adding at the end thereof "and where the Minister or a collector is satisfied that the value of the consideration for a conveyance that has been registered is the value of the consideration for a subsequently registered conveyance that does not create with respect to the land conveyed any beneficial interest therein in any person beyond that evidenced by the first mentioned conveyance, and if the conveyances are made as part of the same transaction, tax is payable only once and upon the value of the consideration for the first of such conveyances that was registered". s. 2 (3), amended

(2) Subsection 5 of the said section 2 is amended by inserting after "paid" in the fourth line "or that no tax is payable" and by inserting after "that" where it occurs in the first instance in the ninth line "no tax is payable or that". s. 2 (5), amended

3.—(1) Subsection 6 of section 4 of the said Act is amended by adding at the commencement thereof "Except as provided in subsection 7,". s. 4 (6), amended

(2) The said section 4 is amended by adding thereto the following subsection: s. 4, amended

(7) Notwithstanding subsection 3, no affidavit is required under that subsection on the tender for registration of a conveyance to or in trust for a transferee who is expressly named in the conveyance and who is Her Majesty in right of Ontario, Her Majesty in right of Canada, a Crown agency within the meaning of *The Crown Agency Act*, the corporation of a municipality, including a district, metropolitan or regional municipality, in Ontario, a local board, as defined in *The Municipal Affairs Act*, of any such municipality in Ontario or Ontario Hydro or any corporation prescribed by the Minister by regulation or any individual acting in an official capacity prescribed by the Minister by regulation, but the Minister may make regulations under this subsection only if he is satisfied that the corporation or the official capacity of the individual is such that the corporation or the individual acting in his official capacity is not, and is not likely to become, a non-resident person. Affidavit as to residence not required R.S.O. 1970, cc. 100, 118

4. Section 6 of the said Act is repealed. s. 6, repealed

5. Section 8 of the said Act is amended by adding thereto the following subsection: s. 8, amended

(3) Where a conveyance is registered that is a notice or caution in writing signifying the existence of any instru- Refund of tax where land not transferred

ment or writing by which land is conveyed, and the instrument or writing described in the notice or caution evidences an agreement to transfer or extinguish an interest in land, the Treasurer shall, where the Minister is satisfied that the transfer or extinguishment contemplated in the agreement has not taken place, refund any tax paid on the tender for registration of the conveyance.

s. 14 (2), amended

6. Subsection 2 of section 14 of the said Act is amended by striking out "the designated land the tax imposed on which is under appeal" in the sixth and seventh lines and inserting in lieu thereof "the land the tax on the tender for registration of a conveyance of which is under appeal".

s. 16 (1), re-enacted

7.—(1) Subsection 1 of section 16 of the said Act is repealed and the following substituted therefor:

Deferral or remission of tax on certain conveyances to non-residents

(1) Where tax has been paid or may be payable on the registration of a conveyance of land to a non-resident person, and that non-resident person satisfies the Minister that the land was or is to be acquired,

(*a*) for the purpose of the development and resale of land for residential, commercial or industrial purposes;

(*b*) for the purpose of establishing, expanding or relocating any active commercial or industrial business that is or will be carried on by the non-resident person who shall undertake to obtain, within such time as is agreed upon with the Minister, any zoning changes necessary to permit the land to be used as proposed and to complete, within such time as is agreed upon with the Minister, the establishment, expansion or relocation for which the land was or is to be acquired;

(*c*) by a non-resident person who is a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person within five years from the date of the grant of a deferral or remission under this subsection with respect to the acquisition of the land;

(*d*) by a non-resident person who is an individual other than a Canadian citizen and who undertakes to the Minister to cease to be a non-resident person within two years from the date of the grant of a deferral or remission under this subsection with respect to the acquisition of the land;

(*e*) by a non-resident corporation that is a non-resident person because of the ownership of shares in that corporation, whether directly or indirectly, by a non-resident person described in clause *c* who undertakes to the Minister that the corporation will cease to be a non-resident person within five years from the date of the grant of a deferral or remission under this subsection with respect to the acquisition of the land;

(*f*) by a non-resident corporation that is a non-resident person because of the ownership of shares in that corporation, whether directly or indirectly, by a non-resident person described in clause *d* who undertakes to the Minister that the corporation will cease to be a non-resident person within two years from the date of the grant of a deferral or remission under this subsection with respect to the acquisition of the land; or

(*g*) by a non-resident corporation that undertakes to the Minister to cease to be a non-resident corporation within five years from the date of the grant of the deferral or remission under this subsection with respect to the acquisition of the land,

the Minister may, with the approval of the Lieutenant Governor in Council, defer the payment of the tax, or remit the tax paid, on such conditions as to the use and development of the land or otherwise as are considered advisable and sufficient to ensure the development of the land as proposed or compliance with any undertakings given by the non-resident person acquiring the land, and any tax deferred or remitted under this subsection constitutes a first lien and charge in favour of Her Majesty in right of Ontario on the land so acquired or to be acquired, and the lien and charge shall be effective upon registration by the Minister of a notice thereof, and the Minister may discharge the lien and charge in whole or in part as the conditions that he has imposed or the undertakings that have been given to him are fulfilled or complied with, and may, where he considers it necessary and advisable to enable the performance of any condition or undertaking, postpone, release or waive the lien and charge with respect to all or any part of any land affected by the lien and charge.

s. 16 (2), amended

(2) Subsection 2 of the said section 16 is amended by striking out ", or a rebate under subsection 4," in the first and second lines.

s. 16 (4), re-enacted

(3) Subsection 4 of the said section 16 is repealed and the following substituted therefor:

Reduction of tax in certain cases

(4) Upon the tender for registration of a conveyance that is described in any of clauses *a* to *e* and that is made to a non-resident person, the tax imposed by subsection 2 of section 2 shall, notwithstanding any other provision of this Act, be reduced to an amount equal to the tax that would result if only the rates of tax mentioned in subsection 1 of section 2 were applicable,

(*a*) the tender for registration of a conveyance to which is attached an affidavit made by the transferee named in the conveyance and stating,

(i) that he has been lawfully admitted to Canada and is lawfully in Canada as an immigrant admitted under the *Immigration Act* (Canada) for permanent residence in Canada, or that he is lawfully in Canada for the purpose of engaging in a trade, profession, calling, occupation or employment that he is authorized to engage in in Canada, and the nature of that trade, profession, calling, occupation or employment,

R.S.C. 1970, c. I-2

(ii) that the land being conveyed to him is being acquired by him for the purpose of enabling him to establish thereon his principal residence in Canada, and will not be used as the residence of persons other than the transferee or members of his family or members of his usual domestic establishment,

(iii) the number and expiration date of the employment visa, if any, issued to him pursuant to the *Immigration Act* (Canada) or regulations made thereunder and the length of time during which he intends to engage in the trade, profession, calling, occupation or employment for which he was admitted into Canada, and

(iv) that he is not in Canada as a tourist or visitor or for the purpose of passing through Canada to another country, or as a student admitted to Canada under the provisions of paragraph *f* of subsection 1 of section 7 of the *Immigration Act* (Canada);

(*b*) the tender for registration of a conveyance to which is attached an affidavit made by the transferee named in the conveyance and stating,

(i) that the transferee is a Canadian citizen, and

(ii) that the land being conveyed to him is being acquired by him for the purpose of enabling him to establish thereon a place of residence or recreation to be his principal residence or principal recreational property upon his return to Canada to take up permanent residence in Canada;

(*c*) the tender for registration of a conveyance to which is attached an affidavit made by the transferee named in the conveyance, or where such transferee is a corporation, by an authorized officer of that corporation, stating,

(i) that the transferee, on and after the 9th day of April, 1974, has continuously occupied premises in Canada where the transferee carried on an active commercial or industrial business that is not principally,

(A) the rental of land or premises for possession or occupancy for a period of one month or more,

(B) the acquisition of land,

(C) the sale of land owned by the seller,

(D) the holding of land, or

(E) the development of land,

(ii) the nature of such business so carried on by the transferee, and the principal location in Canada from which such business is carried on, and

(iii) that the land being conveyed to the transferee is being acquired for the purpose of enabling the transferee to acquire the freehold of only the leased premises on which such business is being carried on and not of other premises, or is being acquired for the purpose of expanding or relocating the operations of

such business where such expansion or relocation is not prevented by any zoning restrictions affecting the land conveyed;

(*d*) the tender for registration of a conveyance to which is attached an affidavit made by the transferee named in the conveyance, or where such transferee is a corporation, by an authorized officer of that corporation, and stating that the land being conveyed to him is being acquired by him as part of his normal business practice and either,

(i) for the principal purpose of selling the land to an employee of the transferee or to such employee and his spouse as the residence of that employee and members of his family or members of his usual domestic establishment, or

(ii) for the principal purpose of making the land available for the exclusive use of his employees and members of their families or members of their usual domestic establishments as a place of residence; or

(*e*) the tender for registration of a conveyance to which is attached an affidavit made by the transferee named in the conveyance, or where such transferee is a corporation, by an authorized officer of that corporation, stating,

(i) that the land being conveyed to him is being acquired by him as the result of a final order of foreclosure under a mortgage or charge affecting the land or is being acquired in any other manner for the sole purpose of satisfying the obligations of the transferor to the transferee under a mortgage or charge affecting the land,

(ii) that the land being conveyed to him is being acquired by him only for the purpose of safeguarding or giving effect to rights or interests of the transferee as mortgagee or chargee and in respect of an outstanding loan that was owed by the transferor to the transferee and that is in default,

(iii) that the transferee is dealing in all respects with the transferor as though the parties were strangers, and

(iv) that the conveyance was not arranged with the intention of defeating the incidence of tax imposed by this Act.

Reduction of consideration on land acquired to replace land compulsorily taken

(5) Where it is established to the satisfaction of the Minister that land being acquired by a person is acquired for the purpose of replacing land that was taken from him under statutory authority, that was sold by him to a person by whom notice of an intention to take the land under statutory authority was given, or that was sold by him to a person having the power to take the land under statutory authority and in the reasonable expectation that, had the land not been so sold, it would have been taken from him by that person under statutory authority, the value of the consideration for the land being so acquired shall be reduced by an amount equal to the proceeds of sale reasonably attributable to the land that was so taken or sold.

Offence

(6) Every person who, knowing it to be false, makes an affidavit described in subsection 4, is guilty of an offence and on summary conviction is liable to a fine of not less than the amount of the tax that, had the true facts been stated, would have been payable, plus an amount of not less than $50 and not more than $1,000.

Commencement

8.—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.

Idem

(2) Section 4 shall be deemed to have come into force on the 10th day of April, 1974.

Short title

9. This Act may be cited as *The Land Transfer Tax Amendment Act, 1974 (No. 2)*.

CHAPTER 94

An Act to amend The Dog Licensing and Live Stock and Poultry Protection Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7 (2), re-enacted

(2) For the purpose of this section, a dog shall be deemed to be running at large when found in any place other than the premises of the owner of the dog and not under the control of any person. When deemed running at large

(2) The said section 7, as amended by the Statutes of Ontario, 1972, chapter 10, section 6, is further amended by adding thereto the following subsections: s. 7, amended

(4) Nothing in subsection 2 confers on any person a right to enter any premises. No right of entry conferred

(5) A by-law under this section may provide for the voluntary payment of penalties out of court in cases where it is alleged that any of the provisions of the by-law respecting dogs running at large have been contravened and, if payment is not made in accordance with the procedure, the fine is recoverable under *The Summary Convictions Act*. Payment out of court; R.S.O. 1970, c. 450

2. Section 11 of the said Act is repealed and the following substituted therefor: s. 11, re-enacted

11. In this Part, Interpretation

(*a*) "Board" means the Wolf Damage Assessment Board established under section 19*b*;

(*b*) "Commissioner" means the Live Stock Commissioner;

(*c*) "injured" in respect of live stock or poultry means injured by wounding, worrying or pursuing, and "injury" has a corresponding meaning;

(*d*) "live stock" means cattle, goats, horses, sheep or swine;

(*e*) "poultry" includes game birds where the game birds are kept pursuant to a licence under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*f*) "wolf" means any of the species *Canis lupus L.* or *Canis latrans Say.* or any cross breed of either.

s. 13 (1), re-enacted

3.—(1) Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Liability of municipality

(1) Where a dog or a wolf kills or injures live stock or poultry and, in the case of killing or injuring by a dog, whether the owner of the dog is known or not, the local municipality in which the killing or injuring occurred is liable to the owner of the live stock or poultry for the amount of damage determined under section 14, and shall pay over such amount to the owner within thirty days after the amount has been so determined.

s. 13 (2) (*b*), amended

(2) Clause *b* of subsection 2 of the said section 13 is amended by striking out "or" where it occurs the second time in the second line.

s. 13 (2) (*c*), repealed

(3) Clause *c* of subsection 2 of the said section 13 is repealed.

s. 13 (3), re-enacted

(4) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

By-law for damage by wild animals

(3) The council of a local municipality may pass a by-law providing that where live stock or poultry are killed or injured by wild animals, other than wolves, in the municipality, subsection 1 applies in the same manner as where live stock or poultry are killed or injured by a dog or wolf, but the council in the by-law may fix the maximum amount payable for any head of live stock so killed or injured in any year and may fix the proportion of the damages ascertained under section 14 that is payable.

s. 14 (2, 3), re-enacted

4.—(1) Subsections 2 and 3 of section 14 of the said Act are repealed and the following substituted therefor:

Investigation and report by valuer

(2) Where the owner of live stock or poultry discovers that any of his live stock or poultry has been killed or injured and to the best of his knowledge and belief such killing or injuring was done by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, he shall immediately notify a valuer for the local municipality in which the live stock or poultry were killed or injured or the clerk of such municipality who shall forthwith notify a valuer, and such valuer shall immediately make full investigation and shall make his report in writing within ten days thereafter to the clerk of the municipality giving in detail the extent and amount of the damage and his award therefor, and he shall at the same time forward a copy of such report to the owner of the live stock or poultry.

Affidavit of owner

(3) Where the owner of live stock or poultry notifies a valuer or a clerk of a municipality under subsection 2, he shall, within ten days, file with the clerk an affidavit that to the best of his knowledge and belief the live stock or poultry were killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises.

s. 14 (4) (*a*, *c*), re-enacted

(2) Clauses *a* and *c* of subsection 4 of the said section 14 are repealed and the following substituted therefor:

(*a*) that any of the live stock or poultry was not killed or injured by a dog or a wolf; or

. . . . . .

(*c*) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs or wolves,

. . . . . .

s. 14, amended

(3) The said section 14 is amended by adding thereto the following subsection:

Report of valuer

(4*a*) The valuer shall include in his report a finding as to whether the live stock or poultry were killed or injured by dogs or by wolves.

s. 14 (9), re-enacted

(4) Subsection 9 of the said section 14 is repealed and the following substituted therefor:

Where no municipal valuer, etc.

(9) Where there is no valuer of the local municipality or the clerk or the valuer does not discharge the duties

imposed on him by this Act, the Commissioner, on the application of the owner of any live stock or poultry killed or injured by a wolf or by a dog other than a dog owned by him or habitually kept upon his premises, shall name a valuer, and the valuer so named shall make an investigation and report, and the municipality shall pay to the Commissioner the cost of such investigation and report as fixed by him.

s. 19, amended

5. Section 19 of the said Act is amended by adding thereto the following subsections:

Payment of compensation

(2) Where in territory without municipal organization live stock or poultry are killed or injured by a wolf, the Commissioner may pay compensation to the owner of the live stock or poultry for the amount of the damage determined under subsection 3.

Determination of amount of compensation

(3) For the purpose of determining the amount of compensation that may be paid under subsection 2, the Commissioner may exercise any of the powers of a council of a municipality under section 14, and the procedures prescribed under subsections 1 to 6 and subsections 12 and 13 of section 14 apply *mutatis mutandis*.

ss. 19*a*-19*d*, 22, enacted

6. The said Act is amended by adding thereto the following sections:

Reports to be submitted to Commissioner

19*a*. Every municipality that has paid any damage ascertained under section 14 respecting damage by wolves to an owner shall submit reports thereon to the Commissioner at such times and in such form and manner as is prescribed in the regulations and such reports shall include a report on the number of claims paid, the amount of each such claim and the findings of the valuer as to whether the live stock or poultry were killed or injured by dogs or by wolves.

Wolf Damage Assessment Board established

19*b*.—(1) There is hereby established a board to be known as the Wolf Damage Assessment Board that shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council, none of whom shall be members of the public service in the employ of the Ministry of Agriculture and Food and who shall hold office during pleasure.

Chairman, vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(3) A majority of the members of the Board constitutes a quorum.

(4) The members of the Board shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. Remuneration

19*c*. Upon application therefor by a municipality in the manner prescribed in the regulations, the Commissioner may, out of the moneys appropriated therefor by the Legislature, authorize the payment of grants so as to reimburse the municipality for any damage ascertained under section 14 and paid by the municipality to an owner where the damage was caused by wolves, and, subject to section 19*d*, no hearing is required in considering whether or not a grant shall be paid. Payment of grants to municipality

19*d*.—(1) Where the Commissioner has reason to believe that any damage paid by a municipality for which application has been made for a grant under section 19*c* may not have been caused by wolves, he shall refer the application to the Board by notice in writing delivered to the municipality and filed with the Board. Referral of application to Board

(2) Where an application has been referred to the Board under subsection 1, the Board shall, after a hearing, determine whether or not the whole or any part of the damage referred to in the application was caused by wolves and the decision of the Board shall, as to whether or not any such damage was caused by wolves, be binding on the Commissioner. Board may determine whether damage caused by wolves

(3) The Commissioner, the municipality and such other persons as the Board may specify, are parties to the proceedings before the Board under this Act. Parties to proceedings before the Board

(4) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members making decision not to have taken part in investigation, etc.

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only members at hearing to participate in decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Application 1971, c. 47

(7) Part I of *The Statutory Powers Procedure Act, 1971* applies with respect to a hearing by the Board under this section.

. . . . .

Regulations

22. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing the form and manner in which reports required under section 19*a* shall be made and the times at which such reports shall be submitted;

(*b*) prescribing the manner in which an application shall be made under section 19*c*;

(*c*) prescribing forms and providing for their use.

Part III (s. 23), enacted

7. The said Act is further amended by adding thereto the following Part:

PART III

DAMAGE TO HONEY BEE COLONIES BY BEARS

Payment of compensation

23.—(1) Where a colony of honey bees is damaged or destroyed by a bear, the Commissioner, on the application of the owner of the colony, may pay compensation to the owner in such amount as he considers reasonable.

Investigation and report by valuer

(2) For the purpose of determining the amount of compensation that may be paid under subsection 1, the Commissioner may appoint a valuer to make an investigation and the valuer so appointed shall make an investigation and shall make his report in writing within ten days thereafter to the Commissioner together with his recommendations respecting compensation.

Amount of payment limited

(3) No payment in respect of a colony of honey bees shall exceed,

(*a*) $50 for the hive equipment; and

(*b*) $25 for the honey bees.

8.—(1) The moneys required for the purposes of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

(2) From and after the date on which this Act comes into force, *The Dog Licensing and Live Stock and Poultry Protection Act*, as amended by this Act, applies to all cases of damage to live stock or poultry by wolves where compensation has not been paid or has not been refused under *The Wolf Damage to Live Stock Compensation Act, 1972*, notwithstanding that the damage occurred prior to the coming into force of this Act. Transitional provision

9. *The Wolf Damage to Live Stock Compensation Act, 1972*, being chapter 145, is repealed. Repeal

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

11. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1974*. Short title

CHAPTER 95

An Act to amend The Ministry of Community and Social Services Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ministry of Community and Social Services Act*, being chapter 120 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 1, amended

(*a*) "Board of Review" means the Social Assistance Review Board referred to in section 7*b*;

. . . . .

(*c*) "regulations" means the regulations made under this Act.

2. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 56, section 1, is amended by adding thereto the following subsections: s. 4, amended

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any other officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in good faith of his duty. Protection from personal liability

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted. Liability of Crown R.S.O. 1970, c. 365

s. 4*a*, enacted

3. The said Act is amended by adding thereto the following section:

Delegation by Minister

4*a*. Where, under this or any other Act, a power is conferred or a duty is imposed upon the Minister or upon another officer or an employee of the Ministry, such power or duty may be exercised and discharged by any other person or class of persons whom the Minister appoints in writing, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his appointment.

s. 6*b* (*c*), re-enacted

4. Clause *c* of section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 1, section 19, is repealed and the following substituted therefor:

(*c*) authorizing,

(i) the council of a municipality or the council of the band to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities or the councils of two or more bands or the council of one or more municipalities and bands to appoint a joint recreation committee with the approval of the Minister,

(ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,

(iii) joint recreation committees or recreation committees in municipalities or on reserves to appoint area recreation committees and area recreation directors,

(iv) two or more municipalities or bands to enter into agreements,

(v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and

(vi) where territory without municipal organization is within the jurisdiction of two boards, such boards or a board and the council of one or more bands to appoint, with the approval of the Minister, a joint recreation

committee for such territory without municipal organization as may be agreed upon by the two boards or a board and the council of one or more bands, as the case may be,

for the purposes of programs of recreation, and, for the purposes of this clause, "band", "council of the band", and "reserve" have the same meaning as in the *Indian Act* (Canada) and "board" means a board as defined in *The Schools Administration Act*. R.S.C. 1970, c. I-6 R.S.O. 1970, c. 424

5. Section 6*e* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 149, section 2, is amended by inserting after "including" in the fourth line "items". s. 6*e*, amended

6. The said Act is further amended by adding thereto the following sections: ss. 7*b*-7*d*, enacted

7*b*.—(1) The Board of Review established under *The Family Benefits Act* is continued under the name of the Social Assistance Review Board and shall conduct such hearings and perform such duties as are assigned to it by or under this or any other Act. Board of Review

(2) The Board of Review shall be composed of not more than such number of members as is prescribed by the regulations who shall be appointed by the Lieutenant Governor in Council. Members of Board

(3) One of the members of the Board of Review shall be appointed by the Lieutenant Governor in Council to be chairman of the Board of Review and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairmen of the Board. Chairman and vice-chairmen

(4) The members of the Board of Review shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. Remuneration

(5) Each member of the Board of Review shall hold office for three years. Term of office

(6) The chairman of the Board of Review may authorize one or more members of the Board to conduct a hearing and such member or members has or have all the powers of the Board for the purpose of such hearing and any decision of such member or members shall be a decision of the Board. One or more members may conduct hearing

Staff

(7) Such officers, clerks and servants as are from time to time considered necessary by the Lieutenant Governor in Council for the proper conduct of the business of the Board of Review may be appointed under *The Public Service Act*.

R.S.O. 1970, c. 386

Sittings

(8) Sittings of the Board of Review may be held at such places in Ontario and at such times as the Board considers most convenient for the proper discharge and speedy dispatch of its business.

Vice-chairman

(9) Where,

(*a*) the chairman of the Board of Review is absent or is unable to act, a vice-chairman designated by the chairman; or

(*b*) the office of the chairman of the Board of Review is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman including the power to complete any unfinished matter.

Members to continue

R.S.O. 1970, c. 157

(10) The members, chairman and vice-chairman of the Board of Review who were appointed under section 11 of *The Family Benefits Act* and who were in office immediately before this Act comes into force shall continue in office and shall be deemed to be the members referred to in subsection 2, and the chairman and vice-chairman referred to in subsection 3, respectively, until the expiration of the respective terms for which they were appointed or until the respective office of each becomes vacant.

Hearings *in camera* 1971, c. 47

7*c*.—(1) Notwithstanding *The Statutory Powers Procedure Act, 1971*, all hearings of the Board of Review shall be heard *in camera*.

Members holding hearing not to have taken part in prior consideration of matter

(2) Subject to subsection 3, members of the Board of Review holding a hearing,

(*a*) shall not have taken part in any investigation or consideration of the subject-matter of the hearing prior to the hearing; and

(*b*) shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

Legal advice

(3) The Board of Review may seek legal advice from an adviser independent from the parties, and members of the Board may at any time consult with other members of the Board.

Recording of evidence

(4) The oral evidence taken before the Board of Review at a hearing shall be recorded,

(*a*) by notes taken by or under the supervision of the member or members of the Board conducting the hearing; or

(*b*) in such other manner as such member or members may direct, in which case copies or a transcript shall, on request, be furnished upon the same terms as in the Supreme Court.

Findings of fact

(5) The findings of fact of the Board of Review pursuant to a hearing under this section shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

1971, c. 47

Only members at hearing to participate in decision

(6) No member of the Board of Review shall make any decision of the Board pursuant to a hearing under this section unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present take part in the decision.

Financial hardship

(7) Where a request for a hearing has been made and the Board of Review is satisfied that there may be financial hardship to a party or witness attending the hearing, the Board shall pay the party or witness travelling and living expenses necessary to enable his attendance at the hearing of the Board.

Regulations

7*d*. The Lieutenant Governor in Council may make regulations designating the number of members of the Board of Review and prescribing its procedures.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Ministry of Community and Social Services Amendment Act, 1974*.

CHAPTER 96

An Act to amend The General Welfare Assistance Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 9*a* of *The General Welfare Assistance Act*, being chapter 192 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 44, is amended by renumbering subsection 1 as subsection 1*a* and by adding thereto the following subsection: s. 9*a*, amended

(1) In this section, "board of review" means the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*. Interpretation R.S.O. 1970, c. 120

(2) Subsection 1*a* of the said section 9*a*, as renumbered by subsection 1, is amended by striking out "established under *The Family Benefits Act*" in the seventh and eighth lines. s. 9*a* (1*a*), amended

(3) Subsection 3 of the said section 9*a* is amended by inserting after "*Act*" in the fourth line "and section 7*c* of *The Ministry of Community and Social Services Act*". s. 9*a* (3), amended

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The General Welfare Assistance Amendment Act, 1974*. Short title

CHAPTER 97

An Act to amend The Vocational Rehabilitation Services Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Vocational Rehabilitation Services Act*, being chapter 484 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 86, is repealed and the following substituted therefor: s. 8, re-enacted

8. Sections 10*c*, 12, 13, 13*a* and 13*c* of *The Family Benefits Act* and section 7*c* of *The Ministry of Community and Social Services Act* apply *mutatis mutandis* to a refusal of an application for, or the reduction, suspension or cancellation of vocational rehabilitation services by the Director, to requests for hearings by, and to hearings, proceedings and powers of the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*, and to appeals therefrom to the Supreme Court, as if vocational rehabilitation services were benefits under *The Family Benefits Act*. Application of R.S.O. 1970, cc. 157, 120

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Vocational Rehabilitation Services Amendment Act, 1974*. Short title

CHAPTER 98

An Act to amend The Family Benefits Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *da* of section 1 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is repealed and the following substituted therefor: s. 1 (*da*), re-enacted

(*da*) "board of review" means the Social Assistance Review Board continued under *The Ministry of Community and Social Services Act*. R.S.O. 1970, c. 120

2. Section 11 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 38, is repealed. s. 11, repealed

3.—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 38, is amended by adding at the end thereof "and the provisions of section 7*c* of *The Ministry of Community and Social Services Act* apply *mutatis mutandis* to a hearing and review under this Act by the board of review". s. 12 (1), amended

(2) Subsections 3, 4, 5, 7, 8 and 9 of the said section 12 are repealed. s. 12 (3-5, 7-9), repealed

4. Clause *h* of section 15 of the said Act is repealed. s. 15 (*h*), repealed

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The Family Benefits Amendment Act, 1974*. Short title

CHAPTER 99

An Act to incorporate the Algonquin Forestry Authority

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Algonquin Provincial Park" means Algonquin Provincial Park as set apart from time to time under *The Provincial Parks Act*; R.S.O. 1970, c. 371

(*b*) "Authority" means the Algonquin Forestry Authority incorporated by this Act;

(*c*) "Board" means the Board of Directors of the Authority;

(*d*) "Crown timber" has the same meaning as in *The Crown Timber Act*; R.S.O. 1970, c. 102

(*e*) "Minister" means the Minister of Natural Resources;

(*f*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Administration of Act

2. The Minister is responsible for the administration of this Act.

Incorporation

3.—(1) There is hereby established on behalf of Her Majesty in right of Ontario a corporation without share capital under the name of Algonquin Forestry Authority consisting of not fewer than five and not more than twelve members appointed by the Lieutenant Governor in Council to hold office during pleasure.

Crown agency R.S.O. 1970, c. 100

(2) The Authority is an agent of Her Majesty in right of Ontario and is a Crown agency for the purposes of *The Crown Agency Act*.

R.S.O. 1970, c. 89 not to apply

(3) *The Corporations Act* does not apply to the Authority.

Board of Directors

4.—(1) The members for the time being of the Authority form and are its Board of Directors, and the Lieutenant Governor in Council shall designate one of them as chairman and one of them as vice-chairman of the Board.

Remuneration

(2) The Authority may pay its directors such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council.

Management

(3) Subject to subsection 4 of section 9, the affairs of the Authority are under the management and control of the Board and the chairman, subject to subsection 4, shall preside at all meetings of the Board.

Acting chairman

(4) In the case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as chairman and shall have all the powers and shall perform all the duties of the chairman.

Quorum

(5) A majority of the directors constitutes a quorum of the Board.

By-laws

(6) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Authority.

Seal

(7) The Authority shall have a seal which shall be adopted by by-law.

General manager

5. The Lieutenant Governor in Council shall appoint a person to be the general manager of the Authority who shall be subject to the control and direction of the Board and who shall be paid by the Authority such remuneration and expense allowance as may be fixed by the Lieutenant Governor in Council.

Officers and employees

6.—(1) The Authority may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, duties, powers and salary ranges for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications and salary ranges so approved and may dismiss its officers and employees for just cause.

(2) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Authority. Superannuation R.S.O. 1970, c. 387

(3) Where the Authority employs a person heretofore employed as a civil servant within the meaning of *The Public Service Act*, any attendance credits or vacation credits standing to the credit of such person as a civil servant shall continue to the credit of such person as an officer or employee of the Authority. Attendance and vacation credits R.S.O. 1970, c. 386

7. Subject to the approval of the Lieutenant Governor in Council, the Authority may engage persons other than those appointed or employed pursuant to section 6 to provide professional, technical or other assistance to or on behalf of the Authority, and may prescribe the terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

8. No director, officer or employee of the Authority, or other person acting on behalf of the Authority, is personally liable for any act done in good faith in the exercise or intended exercise of any of his duties or powers or for any default or neglect in good faith in the exercise of any of his duties or powers. Limitation of liability

9.—(1) Subject to subsection 2, the objects of the Authority are, Objects

(*a*) subject to *The Crown Timber Act*, to harvest Crown timber and produce logs therefrom and to sort, sell, supply and deliver the logs; R.S.O. 1970, c. 102

(*b*) to perform, undertake and carry out such forestry, land management and other programs and projects as the Minister may authorize and to advise the Minister on forestry and land management programs and projects of general advantage to Ontario.

(2) The Authority shall carry out its objects in Algonquin Provincial Park and in respect of Crown timber on such lands adjacent thereto as may be designated by the Lieutenant Governor in Council. Jurisdiction

(3) Subject to *The Public Lands Act*, the Authority may acquire and hold public lands or any interest therein for its actual use and occupation. Use of public lands R.S.O. 1970, c. 380

(4) The Authority is responsible to and subject to the direction and control of the Minister and, without limiting Objectives

the generality of the foregoing, the Minister may determine for the Authority,

(*a*) production and operational objectives aimed at regulating the flow of logs;

(*b*) social objectives aimed at maintaining or improving employment levels in the forest industry; and

(*c*) financial, commercial and economic objectives aimed at ensuring reasonable prices for logs produced by or on behalf of the Authority and ensuring a reasonable rate of return on the capital invested in the Authority.

Capacity of a natural person and power to act outside Ontario

10.—(1) The Authority has all the capacity and powers of a natural person, including the capacity to exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights.

Dealings with Authority

(2) No act of the Authority and no transfer of real or personal property to or by the Authority is invalid by reason of the fact that the Authority was without capacity or power to do such act or make or receive such transfer.

Master plan

11.—(1) The Minister shall prepare a master plan that balances the public interest in maintaining and improving the quality of Algonquin Provincial Park for the purpose of recreation and the public interest in providing a flow of logs from Algonquin Provincial Park.

Amendment

(2) The Minister may amend the master plan and shall provide a copy of it and every amendment to the Authority.

Quality of operations

(3) The Authority shall conduct its operations in conformity and harmony with the provisions and true intent and spirit of the master plan and all amendments thereof, and shall ensure that such operations are conducted, so far as it is practicable so to do, with full regard at all times for the aesthetics, ecology and all other qualities of the environment.

Grants and loans

12.—(1) The Lieutenant Governor in Council may authorize the Minister to make grants and loans to the Authority at such times and upon such terms as the Lieutenant Governor in Council considers advisable.

Statutory appropriation

(2) The money required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Application of property and moneys

13.—(1) Subject to subsection 2 and section 14, the property and moneys of the Authority shall be applied solely to promote the objects of the Authority.

Investment of surplus moneys

(2) The Authority may temporarily invest any surplus moneys not immediately required for its objects in any securities issued by or guaranteed as to principal and interest by the Province of Ontario, any other province of Canada, or Canada.

Bank accounts

(3) The Authority may, with the approval of the Minister, maintain in its name one or more accounts in any chartered bank or trust company.

Disposition of excess moneys

14. The Authority, upon the order of the Lieutenant Governor in Council, shall pay to the Treasurer of Ontario so much of the moneys of the Authority as the Lieutenant Governor in Council considers in excess of the moneys required for the objects of the Authority, and any moneys so paid may be applied by the Treasurer of Ontario towards the discharge of any obligation of the Authority to Her Majesty in right of Ontario, and if not so applied shall form part of the Consolidated Revenue Fund.

Fiscal year

15. Unless otherwise ordered by the Lieutenant Governor in Council, the fiscal year of the Authority commences on the 1st day of April in each year and ends with the 31st day of March in the following year.

Accounting system

16.—(1) The Authority shall establish and maintain an accounting system satisfactory to the Minister.

Submission of information and data to Minister

(2) The Minister may direct the Authority to prepare and submit to the Minister, in such form and at such time as the Minister directs, forecasts, estimates and analyses of revenues, expenditures, commitments and any other data and information pertaining to any aspect of the affairs of the Authority.

Annual report

17. The Authority shall, within three months after the termination of each fiscal year, submit an annual report to the Minister in such form as he may direct, which shall include,

(*a*) a description of its operation for the fiscal year;

(*b*) an audited financial statement, including a balance sheet, a statement of income and expense and a statement of surplus or deficit for the fiscal year; and

(*c*) such other information in respect of the affairs of the Authority as the Minister may require,

and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

18. The accounts and financial transactions of the Authority shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Minister and the Authority in which the Provincial Auditor shall,

(*a*) express an opinion on the financial statements of the Authority; and

(*b*) include any matters that he considers should be brought to the attention of the Minister and the Authority.

Termination of Crown timber licences

19.—(1) Notwithstanding anything in any general or special Act or in any regulation, licence, management plan or operating plan and, subject to subsection 2, the Lieutenant Governor in Council shall by order in council terminate any licence heretofore granted under *The Crown Timber Act*, the licensed area of which is wholly or partly within Algonquin Provincial Park.

R.S.O. 1970, c. 102

60 day notice of termination

(2) Every order in council made pursuant to subsection 1 shall provide that each licence referred to in the order in council is terminated as of the sixtieth day next following the date of the order in council.

Service of order in council terminating Crown timber licences

(3) The Minister shall forward by registered mail a copy of every order in council made pursuant to subsection 1 to the licensee of each licence referred to in the order in council, addressed to the last place of business of the licensee as shown in the records in the Ministry of Natural Resources.

Termination of cutting approval

(4) Upon the termination of a licence pursuant to subsection 1, each approval issued pursuant to subsection 1 of section 13 of *The Crown Timber Act* in respect of the licence shall thereafter be null and void.

Continuation of liability for Crown charges

(5) The licensee of a licence terminated under subsection 1 shall continue to be liable for all indebtedness in respect of Crown charges as defined in *The Crown Timber Act* in respect of the licence.

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

21. This Act may be cited as *The Algonquin Forestry Authority Act, 1974*. Short title

CHAPTER 100

An Act to amend The Public Transportation and Highway Improvement Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 47 (5), re-enacted

1. Subsection 5 of section 47 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1971, chapter 61, section 6, is repealed and the following substituted therefor:

Limitation on payments

(5) The total of all payments made to a county under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of money allocated to such county for that year under section 46.

s. 55 (2), amended

2.—(1) Subsection 2 of section 55 of the said Act is amended by striking out "but no work shall be done until the agreement has been approved in writing by the Minister" in the fourth and fifth lines.

s. 55 (6), repealed

(2) Subsection 6 of the said section 55 is repealed.

s. 55 (8), amended

(3) Subsection 8 of the said section 55 is amended by striking out "the Minister has approved" in the first line and inserting in lieu thereof "there is".

s. 56 (2-4), repealed

3. Subsections 2, 3 and 4 of section 56 of the said Act are repealed.

s. 61 (3), repealed

4. Subsection 3 of section 61 of the said Act is repealed.

s. 68 (3), amended

5. Subsection 3 of section 68 of the said Act is amended by striking out "with the approval of the Minister" in the third and fourth lines.

s. 74 (7), re-enacted

6. Subsection 7 of section 74 of the said Act, as enacted by the

Statutes of Ontario, 1971, chapter 61, section 9, is repealed and the following substituted therefor:

Limitation on payments

(7) The total of all payments made to a township under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such township for that year under section 71.

s. 78 (6), re-enacted

7. Subsection 6 of section 78 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 11, is repealed and the following substituted therefor:

Limitation on payments

(6) The total of all payments made to a municipality under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 77.

s. 84*d* (1) (*d*), amended

8.—(1) Clause *d* of subsection 1 of section 84*d* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 12, is amended by striking out "authorized by resolution of the council" in the first and second lines.

s. 84*d* (5), re-enacted

(2) Subsection 5 of the said section 84*d* is repealed and the following substituted therefor:

Limitation on payments

(5) The total of all payments made to a municipality under this section in respect of expenditures for road improvements made in any year shall not exceed the amount of moneys allocated to such municipality for that year under section 84*c*.

s. 87*a* (2) (*d*), amended

9. Clause *d* of subsection 2 of section 87*a* of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 67, section 20, is amended by striking out "authorized by resolution of the council of the municipality" in the first and second lines.

s. 87*b* (3*a*) (*d*), amended

10. Clause *d* of subsection 3*a* of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 67, section 21, is amended by striking out "authorized by resolution of the council of the municipality" in the first and second lines.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1974*.

CHAPTER 101

An Act to establish the Ontario Energy Corporation

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the Ontario Energy Corporation;

(*c*) "Minister" means the Minister of Energy;

(*d*) "security" includes a bond, debenture, note or other evidence of indebtedness, share, unit, unit certificate, a certificate of share or interest in a trust, estate or association and a certificate of interest in an oil, gas or other hydrocarbon lease, claim or royalty certificate and a document constituting evidence of an interest in any royalties or leases or fractional or other interest therein;

(*e*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Idem

(2) In this Act, the terms,

(*a*) "affiliate";

(*b*) "associate";

(*c*) "equity share"; and

(*d*) "resident Canadian",

R.S.O. 1970, c. 53

have the same meanings as in *The Business Corporations Act*.

Application of R.S.O. 1970, c. 53

2.—(1) Except as herein otherwise provided, the provisions of *The Business Corporations Act* apply to the Corporation.

Idem

(2) The provisions of sections 3 to 12, 16 and 189 to 254 of *The Business Corporations Act* do not apply to the Corporation and the Corporation shall not enter into any arrangement, amalgamation, continuation, winding up or dissolution within the meaning of *The Business Corporations Act*.

Corporation has powers of natural person

(3) The Corporation has all the capacity and power of a natural person and no act of the Corporation and no transfer of real or personal property to or by the Corporation and no issue or sale of securities by the Corporation, otherwise lawful, that is done or made is invalid by reason of the fact that the Corporation is without capacity or power to do such act or make or receive such transfer or issue or sell such securities.

Incorporation

3. There is hereby established a corporation with share capital under the name of "Ontario Energy Corporation".

Board of Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of five members and the first directors of the Corporation shall be appointed by the Lieutenant Governor in Council to hold office until their successors are elected by the shareholders of the Corporation.

Majority to be resident Canadians

(2) A majority of the members of the Board shall at all times be resident Canadians.

Change in number of directors

(3) The Corporation may by special by-law increase or decrease the number of its directors.

Filing of copy of by-law

(4) The Corporation shall file with the Minister of Consumer and Commercial Relations a certified copy of the by-law within ten days after the by-law has been confirmed by the shareholders of the Corporation.

Compliance with filing requirement

(5) Failure to comply with subsection 4 does not invalidate the by-law.

Head office

5. The head office of the Corporation shall be in The Municipality of Metropolitan Toronto.

Corporate objects

6. The objects of the Corporation are,

(*a*) to invest or otherwise participate in energy projects throughout Canada or elsewhere in order to,

(i) enhance the availability of energy in Ontario,

(ii) stimulate exploration for and the development of sources of energy,

(iii) stimulate expansion of the capability to produce energy,

(iv) encourage investment in energy projects and the effective use of financial, human and other resources in energy projects, and

(v) encourage the development of processes and equipment that will avoid the wasteful use of energy and that will minimize harm to the environment;

(*b*) to explore for, produce, manufacture, buy, transport, refine, sell and otherwise acquire, develop and deal in hydrocarbons and other forms of fuel and energy;

(*c*) to subscribe for, purchase, take in exchange or in payment or otherwise acquire, hold and own securities of any other person, firm or corporation having objects altogether or in part similar to those of the Corporation or carrying on any business capable of being conducted so as directly or indirectly to benefit the Corporation;

(*d*) to carry on any other trade or business that can be carried on advantageously as ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b* and *c*; and

(*e*) to guarantee, with or without security, the performance of contracts and the performance of the obligations or undertakings of any person, firm or corporation, including the payment of dividends, interest, principal and premium, if any, of or on any securities, mortgages or liabilities of any such person, firm or corporation.

Authorized capital

7.—(1) The authorized capital of the Corporation is divided into,

(*a*) 2,000,000 common shares without par value, to be issued for such consideration as the Board may from time to time determine; and

(*b*) 20,000,000 special shares without par value which may be issued in one or more series for such consideration as the Board may determine and, subject to the provisions of subsections 3, 4 and 5 and to the filing of the statement and the issuance of the certificate in respect thereof referred to in subsection 2 of section 30 of *The Business Corporations Act*, the Board may fix before the issuance of a series the number of shares that is to comprise the series and the designation, preferences, rights, conditions, restrictions, limitations or prohibitions attaching to the series.

R.S.O. 1970, c. 53

Voting rights

(2) At all meetings of shareholders, the holders of the common shares shall be entitled to one vote for each common share held by them.

Idem

(3) The holders of the special shares shall not be entitled to vote at any meetings of the shareholders of the Corporation other than the meetings referred to in subsection 3 of section 8 but shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the sale of the undertaking of the Corporation or a substantial part thereof.

Ranking of series of shares

(4) The special shares of each series shall rank on a parity with the special shares of every other series with respect to payment of dividends and on the repayment of capital in the event of the liquidation, dissolution or winding up of the Corporation whether voluntary or involuntary.

Redemption of shares

(5) If the special shares of any series are made redeemable or purchasable for cancellation by the Corporation, the price at which such shares may be redeemed or purchased for cancellation shall not exceed the amount of the issued capital of the Corporation with respect to such shares determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* together with a premium of not more than 20 per cent of that amount and any dividends accrued and unpaid on such shares.

Amendment of authorized capital

8.—(1) The Corporation may from time to time,

(*a*) increase its authorized capital;

(*b*) decrease,

(i) its authorized capital by cancelling shares, whether issued or unissued and whether

with par value or without par value, or by reducing the par value of issued or unissued shares, or

(ii) its issued capital, if it has shares without par value,

and, where it has more capital than it requires, authorize the repayment of capital to the shareholders to the extent that the issued capital is decreased in any way under this clause;

(*c*) redivide its authorized capital into shares of lesser or greater par value;

(*d*) consolidate or subdivide any of its shares without par value;

(*e*) change any of its shares with par value into shares without par value;

(*f*) change any of its shares without par value into shares with par value;

(*g*) redesignate any class of shares;

(*h*) reclassify any shares with or without par value into shares of a different class;

(*i*) delete, vary or otherwise alter the preferences, rights, conditions, restrictions, limitations or prohibitions attaching to a class of special shares.

Authorization

(2) An amendment under clause *a*, *b*, *c*, *d*, *e*, *f*, *g*, *h* or *i* of subsection 1 shall be authorized by special resolution.

Idem

(3) If the amendment is to delete or vary a preference, right, condition, restriction, limitation or prohibition attaching to a class of special shares or to create special shares ranking in any respect in priority to or on a parity with an existing class of special shares, then, in addition to the confirmation required by subsection 2, the resolution is not effective until it has been confirmed,

(*a*) by 100 per cent of the holders of the shares of such class or classes of shares in writing; or

(*b*) in writing by at least 95 per cent of the holders of the shares of such class or classes of shares holding at least 95 per cent of the issued shares of

such class or classes and after twenty-one days notice of the resolution and confirmation has been given by sending the notice to each of the holders of shares of such class or classes to his latest address as shown on the records of the Corporation and only if at the expiration of twenty-one days none of the holders of such class or classes has dissented in writing to the Corporation; or

(*c*) if the preferences, rights, conditions, restrictions, limitations and prohibitions attaching to the shares of such class or classes so provide, by at least two-thirds of the votes cast at a meeting of the holders of such class or classes of shares duly called for that purpose.

Articles of amendment

(4) For the purpose of bringing into effect an amendment under subsection 1, the Corporation shall deliver to the Minister of Consumer and Commercial Relations within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the Corporation and signed by two officers, or by one director and one officer, of the Corporation and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out,

(*a*) the name of the Corporation;

(*b*) a certified copy of the resolution;

(*c*) that the amendment has been duly authorized as required by subsections 2 and 3; and

(*d*) the date or dates of the confirmation of the resolution by the shareholders.

Decrease of capital

(5) Where the articles of amendment are to decrease the authorized or issued capital, the articles of amendment shall be accompanied by evidence that establishes to the satisfaction of the Minister of Consumer and Commercial Relations that the Corporation is not insolvent, and, if required by that Minister, by evidence that establishes to his satisfaction that no creditors object to the amendment.

Pro forma balance sheet

(6) The articles of amendment shall, if required by the Minister of Consumer and Commercial Relations, be accompanied by a *pro forma* balance sheet after giving effect to the proposed change.

Certificate

(7) The Minister of Consumer and Commercial Relations shall, when all prescribed fees have been paid,

(*a*) endorse on each duplicate of the articles of amendment the word "Filed" and the day, month and year of the filing thereof;

(*b*) file one of the duplicates in his office; and

(*c*) issue to the Corporation or its agent a certificate of amendment to which he shall affix the other duplicate.

Effect of certificate

(8) The amendment becomes effective upon the date set forth in the certificate of amendment and the capitalization of the Corporation is amended accordingly.

Purchase of common shares R.S.O. 1970, c. 53

9. The Corporation may purchase any of its issued common shares in accordance with the provisions of *The Business Corporations Act*.

Borrowing powers

10. The Board may from time to time,

(*a*) borrow money upon the credit of the Corporation;

(*b*) issue, sell or pledge bonds, debentures, notes or other similar obligations of the Corporation, whether secured or unsecured;

(*c*) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable, property of the Corporation including book debts, rights, powers, franchises and undertakings, to secure any bonds, debentures, notes or other similar obligations of the Corporation, whether secured or unsecured, or any money borrowed or other debt or liability, contingent or otherwise, of the Corporation; and

(*d*) delegate the powers conferred on it under this section to such directors or officers of the Corporation and to such extent and manner as is set out in the by-laws or in specific resolutions of the Board.

Voting rights not to be exercised in certain cases

11.—(1) The voting rights pertaining to any shares of the Corporation shall not be exercised when the shares are held in contravention of this Act or the by-laws of the Corporation.

Transfer and allotment of shares held in contravention of Act

(2) The validity of a transfer of shares of the Corporation that has been recorded in a register of transfers of the Corporation or the validity of an allotment of shares of the

Corporation is not affected by the holding of such shares in contravention of this Act or the by-laws of the Corporation.

Voting of shares held in contravention of Act

(3) If the voting rights pertaining to any shares of the Corporation that are held in contravention of this Act or the by-laws of the Corporation are exercised at any meeting of the shareholders of the Corporation, no proceeding at that meeting is void by reason thereof, but any such proceeding, matter or thing is, at any time within one year from the date of commencement of the meeting at which such voting rights were exercised, voidable by a special by-law of the Corporation.

Not Crown agency R.S.O. 1970, c. 100

12. The Corporation is not an agent of Her Majesty nor a Crown agency for the purposes of *The Crown Agency Act*.

Interpretation

13.—(1) In this section, "non-resident" means any person other than,

(*a*) a resident Canadian;

(*b*) a corporation controlled by a resident Canadian or a group of resident Canadians;

(*c*) a corporation the majority of the equity shares of which are held by resident Canadians and which is not controlled by one or more non-residents;

(*d*) Her Majesty in right of Canada, Ontario or any other province of Canada or an agent or nominee of Her Majesty.

Equity shares owned or controlled by non-residents

(2) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction shall not at any time exceed 10 per cent of the total number of issued and outstanding equity shares of the Corporation.

Limit of individual ownership of equity shares

(3) The total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which the person exercises control or direction shall not at any time exceed 5 per cent of the total number of issued and outstanding equity shares of the Corporation.

Idem

(4) Subsection 3 does not apply in respect of any equity shares of the Corporation beneficially owned by Her Majesty in right of Canada, Ontario or any other province of Canada or by an agent or nominee of Her Majesty.

Where person deemed beneficial owner of equity shares

(5) For the purposes of this section, a person shall be deemed to own beneficially any equity shares of the Cor-

poration owned beneficially by any associate or affiliate of such person.

Controlled corporation

(6) For the purposes of this section, a corporation is controlled by another corporation, individual or trust if it is in fact effectively controlled by such other corporation, individual or trust, directly or indirectly, or through the holding of shares of the corporation or any other corporation, or through the holding of the outstanding debt of a corporation or individual, or by any other means whether of a like or different nature.

Calculation of total number of equity shares

(7) In calculating the total number of equity shares of the Corporation beneficially owned, directly or indirectly, by any person or over which the person exercises control or direction for the purposes of this section, the total number shall be calculated as the total of all such equity shares, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Statement by shareholder

(8) A shareholder of the Corporation shall, upon the request of the Board, file with the Board a statement verified by affidavit that sets out,

(*a*) the total number of equity shares of the Corporation beneficially owned or deemed to be owned, directly or indirectly, by the shareholder or over which the shareholder exercises control or direction;

(*b*) the name of any person other than the shareholder exercising control or direction over equity shares of the Corporation, the number of equity shares over which such control or direction is exercised and whether the person is a non-resident;

(*c*) whether the shareholder or any other person in whose right or for whose use or benefit any equity share of the Corporation is held by the shareholder is a non-resident;

(*d*) if the shareholder is a corporation or trust, information establishing that the shareholder is not a non-resident; and

(*e*) such other matters as the Board considers relevant in the circumstances for the purposes of this section.

Where statement not filed

(9) Where a shareholder does not file with the Board a statement verified by affidavit that sets out the information

requested by the Board pursuant to subsection 8 within thirty days from the day the statement was requested by the Board, the equity shares of the Corporation held by the shareholder shall be deemed to be held in contravention of this section until a statement verified by affidavit that sets out the information is filed with the Board.

Transfer of shares

(10) Within sixty days after the purchase or other acquisition of a share of the Corporation by any person, the certificate representing the share shall be presented to the Corporation for transfer into the name of the person, his designated nominee, trustee, executor or other personal representative, and shares not so presented for transfer shall be deemed to be held in contravention of this Act.

Cancellation of shares held in contravention of Act

14.—(1) Where any equity shares of the Corporation are held in contravention of this Act, the Corporation may, upon such notice to the holder thereof in such manner as may be prescribed by the by-laws, require such equity shares to be disposed of to a person or corporation who may be eligible to hold equity shares of the Corporation, within such period of time, not being less than sixty days nor more than 180 days or such longer period of time as may be approved by special resolution of the Corporation, as may be stipulated in the notice.

Idem

(2) Where the equity shares referred to in a notice given pursuant to subsection 1 have not been disposed of within the stipulated time, the Corporation may, at any time while the equity shares continue to be held in contravention of this Act, decrease its authorized and issued capital by cancelling the equity shares and the decrease is effective upon,

(*a*) the deposit by the Corporation of the amount of the capital repayment payable with respect to the equity shares in a special account with a chartered bank or trust company; and

(*b*) the giving by the Corporation of notice of cancellation to the holders of the equity shares in such manner as may be prescribed by the by-laws, including notice of the deposit referred to in clause *a*,

and thereupon the equity shares are cancelled and the rights of the holder and of any beneficial owners of the equity shares are terminated except for the right of the holder thereof to receive out of the amount so deposited, without interest, the capital repayment payable with respect thereto upon presentation and surrender of the certificates representing

the said equity shares, and any interest payable on the deposit shall be paid to the Corporation.

Application of moneys

(3) The Corporation is not bound to see to the application of the amount deposited or to the execution of any trust, whether express, implied or constructive, in respect of any equity shares cancelled under this section and the Corporation is not estopped by any certificates outstanding in respect of any equity shares cancelled.

Repayment of moneys

(4) In determining as at any particular time the capital repayment to be made on equity shares of the Corporation for the purpose of this section, the capital repayment shall be,

(*a*) in the case of a share with a par value, an amount equal to the par value thereof; and

(*b*) in the case of a share without par value, an amount equal to the per share amount of the issued capital of the Corporation with respect to the class of shares in question determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* as at the day before the day the deposit referred to in clause *a* of subsection 2 is made, provided that if the class of shares in question is listed on a stock exchange, the capital repayment shall be an amount equal to the lesser of, R.S.O. 1970, c. 53

(i) the per share amount of the issued capital of the Corporation with respect to the class of shares in question determined in accordance with the provisions of subsection 2 of section 32 of *The Business Corporations Act* as at the day before the day the deposit referred to in clause *a* of subsection 2 is made, and

(ii) the last sale price per share of the class of shares in question on the stock exchanges on which such shares are listed on the last business day before the day the deposit referred to in clause *a* of subsection 2 is made.

Filing of notice

(5) Where equity shares of the Corporation are cancelled pursuant to this section, the Corporation shall within thirty days of the date on which the cancellation is effected, file with the Minister of Consumer and Commercial Relations, a notice setting out the number of shares of the class cancelled and the date on which the cancellation was effected.

Idem

(6) Failure to comply with subsection 5 does not invalidate the decrease in the authorized and issued capital of the Corporation.

Non-application of s. 8

(7) The provisions of section 8 do not apply to any decrease of the authorized and issued capital of the Corporation pursuant to this section.

Liability of directors

15. In determining whether any equity shares are held in contravention of this Act or in making any determination in connection with any other circumstances relevant to the performance of their duties under this Act, the directors of the Corporation may rely upon any statement made in any statement submitted under subsection 8 of section 13 or rely upon their own knowledge of the circumstances and neither the Corporation nor the directors are liable in any action for anything done or omitted by them in good faith as a result of any conclusions made by them on the basis of any such statements or knowledge.

Authorized investments

R.S.O. 1970, cc. 342, 470

16. The bonds, debentures, notes and other evidences of indebtedness of the Corporation and the shares of the Corporation are authorized investments for the purposes of *The Pension Benefits Act* and *The Trustee Act* and are authorized investments for,

R.S.O. 1970, cc. 254, 224

(*a*) the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* applies; and

(*b*) the moneys received by a trust company registered under *The Loan and Trust Corporations Act* for guaranteed investment or as deposits.

Shares may be acquired by Ontario

17.—(1) The Minister shall from time to time subscribe for, purchase and hold shares of the Corporation on behalf of Her Majesty in right of Ontario and shall hold at all times a majority of the issued shares of each class of equity shares of the Corporation.

Registration and voting of shares purchased by Ontario

(2) Shares of the Corporation purchased on behalf of Her Majesty in right of Ontario shall be registered in the books of the Corporation in the name of Her Majesty in right of Ontario as represented by the Minister and may be voted by the Minister or his duly authorized nominee on behalf of Her Majesty in accordance with such regulations as the Lieutenant Governor in Council may prescribe.

Authority to loan money to Corporation

18.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms

and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation.

Payment of moneys

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Where approval required to incur debt or issue securities

19. Notwithstanding any other provision of this Act, so long as at least 90 per cent of the issued shares of the Corporation are owned by Her Majesty in right of Ontario, no indebtedness shall be incurred by the Corporation for borrowed money and no securities of the Corporation shall be issued by the Corporation and no securities of the Corporation shall be sold or otherwise disposed of by Her Majesty in right of Ontario except with the approval of the Lieutenant Governor in Council.

Moneys

20. The moneys required for the purposes of section 17 shall, until the 31st day of March, 1975 and subject to the approval of the Lieutenant Governor in Council, be paid out of the Consolidated Revenue Fund and thereafter may be paid out of the moneys appropriated therefor by the Legislature.

Regulations

21. The Lieutenant Governor in Council may make regulations respecting any matter that the Lieutenant Governor in Council considers necessary relating to,

(*a*) the voting by the Minister or his duly authorized nominee in respect of shares of the Corporation held by the Minister;

(*b*) terms and conditions that shall apply to the making of loans to the Corporation by the Treasurer of Ontario.

Annual report

22.—(1) The Corporation shall, after the close of each fiscal year of the Corporation, deliver to the Minister an annual report upon the affairs of the Corporation approved by the Board and the approval shall be evidenced by the signatures of two directors of the Corporation duly authorized to sign the report.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional reports

(3) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

Commencement

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. This Act may be cited as *The Ontario Energy Corporation Act, 1974*.

CHAPTER 102

An Act to amend The Ontario Municipal Employees Retirement System Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3, 4 and 5 of section 3 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 3 (3-5), re-enacted

(3) The Board shall appoint or cause to be appointed such officers, employees, legally qualified medical practitioners and advisers as are necessary to carry out the responsibilities of the Board and shall appoint an auditor and an actuary and determine the remuneration of all such persons. Appointment of officers and employees

(4) The Board may appoint an investment policy committee that shall be composed of members of the Board, officers of the Board and other persons with senior investment or other financial management experience and determine their remuneration and may delegate to the committee, subject to any restrictions which may be imposed by the Board, the power to invest the portion of the Fund mentioned in subsection 3*a* of section 7. Investment policy committee

(5) The investment policy committee may fix its quorum, which shall be not less than a majority of its members. Quorum

(5*a*) The investment policy committee, with the approval of the Board, may, in accordance with policies established by the committee, assign to an officer or officers of the Board such of its duties as it decides are necessary or desirable. Officers

(5*b*) The Board may make rules and regulations for the management and administration of the System and Rules and regulations

may assign to the persons mentioned in subsection 3 such of its duties as it decides are necessary or desirable.

s. 4 (3), amended

2. Subsection 3 of section 4 of the said Act is amended by inserting after "investments" in the second line "plus profits less losses on the sale of investments".

s. 7 (3), re-enacted

3. Subsection 3 of section 7 of the said Act is repealed and the following substituted therefor:

Debentures to be issued

(3) Commencing in the year 1970, the Board shall pay over to the Treasurer of Ontario from time to time money accumulated to the credit of the Fund and not required for current expenditures for the year and the Treasurer shall issue to the Board at the end of each year a Province of Ontario debenture for the amount of such money, such debenture to bear interest payable half-yearly at a rate of interest not less than the weighted average yield to maturity of long term debentures and bonds issued or guaranteed by the Province in the Canadian capital market in such year and such debenture shall be for a term of not less than twenty years and not more than thirty years.

Money retained by the Board

(3*a*) Notwithstanding subsection 3, commencing in the year 1975, a portion of the money accumulated to the credit of the Fund and not required for current expenditures, as shall be agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council, shall be retained by the Board.

Money retained to be invested

(3*b*) The portion of the money retained by the Board shall form part of the Fund and the Board shall invest such part of the Fund as pension fund moneys subject to the limitations of *The Pension Benefits Act* and for the purposes of that Act such part of the Fund shall be treated as a separate pension fund.

R.S.O. 1970, c. 342

s. 13 (*c*), amended

4. Clause *c* of section 13 of the said Act is amended by striking out "the temporary investment of any moneys of the Fund" in the third line.

s. 15, re-enacted

5. Section 15 of the said Act is repealed and the following substituted therefor:

Administration of other plans or funds

15.—(1) The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such administration from such plan or fund.

(2) Money accumulated from time to time in a pension plan or fund mentioned in subsection 1, which is not required for the current expenditures of such plan or fund, may be deposited in the Fund. Money deposited in Fund

(3) The return to be credited by the Fund to a pension plan or fund mentioned in subsection 1 shall be as provided for in an agreement mentioned in subsection 1. Return credited by Fund

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1974*. Short title

CHAPTER 103

An Act to amend The Coroners Act, 1972

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Coroners Act, 1972*, being chapter 98, is amended by striking out "any part of" in the third line. s. 3 (1), amended

(2) The appointment of every coroner appointed for part of Ontario shall, after *The Coroners Amendment Act, 1974* comes into force, be deemed to be an appointment for Ontario. Appointments deemed for all of Ontario

2. Section 4 of the said Act is amended by adding thereto the following subsection: s. 4, amended

(2) The Lieutenant Governor in Council may appoint a coroner to be Deputy Chief Coroner for Ontario who shall act as and have all the powers and authority of the Chief Coroner during the absence of the Chief Coroner or his inability to act. Deputy Chief Coroner

3. The said Act is amended by adding thereto the following section: s. 8*a*, enacted

8*a*. The police force having jurisdiction in a municipality shall make available to the coroner the assistance of such police officers as are necessary for the purpose of carrying out his duties. Police assistance

4. Section 10 of the said Act is amended by adding at the end thereof "by his warrant". s. 10, amended

5. Subsection 1 of section 11 of the said Act is amended by striking out "constables" in the fifth line and inserting in lieu thereof "police officers". s. 11 (1), amended

6. Clause *b* of subsection 2 of section 14 of the said Act is amended by striking out "to" in the third line. s. 14 (2) (*b*), amended

s. 16 (1), amended

7. Subsection 1 of section 16 of the said Act is amended by striking out "shall issue his warrant to bury the body and" in the second and third lines, and by striking out "and the grounds on which the warrant has been issued" in the fifth and sixth lines.

s. 21, amended

8. Section 21 of the said Act is amended by adding thereto the following subsection:

Inquest into multiple deaths

(2) Where two or more deaths appear to have occurred in the same event or from a common cause, the Chief Coroner may direct that one inquest be held into all of the deaths.

s. 21*a*, enacted

9. The said Act is further amended by adding thereto the following section:

Request by relative for inquest

21*a*.—(1) Where the coroner determines that an inquest is unnecessary, the spouse, parent, child, brother, sister or personal representative of the deceased person may request the coroner in writing to hold an inquest, and the coroner shall give the person requesting the inquest an opportunity to state his reasons, either personally, by his agent or in writing, and the coroner shall advise the person in writing within sixty days of the receipt of the request of his final decision and where the decision is to not hold an inquest shall deliver his reasons therefor in writing.

Review of refusal

(2) Where the final decision of a coroner under subsection 1 is to not hold an inquest, the person making the request may, within twenty days after the receipt of the decision of the coroner, request the Chief Coroner to review the decision and the Chief Coroner shall review the decision of the coroner after giving the person requesting the inquest an opportunity to state his reasons either personally, by his agent or in writing.

Decision final

(3) Subject to section 19, the decision of the Chief Coroner is final.

s. 23 (2), amended

10. Subsection 2 of section 23 of the said Act is amended by inserting after "writing" in the second line "only" and by inserting after "*post mortem*" in the seventh line "the Crown attorney".

s. 24 (1), amended

11.—(1) Subsection 1 of section 24 of the said Act is amended by striking out "be deemed to be a person with standing" in the fourth and fifth lines and inserting in lieu thereof "act as counsel to the coroner".

s. 24 (2), re-enacted

(2) Subsection 2 of the said section 24 is repealed and the following substituted therefor:

(2) The Minister may be represented at an inquest by counsel and shall be deemed to be a person with standing at the inquest for the purpose. Counsel for Minister

12. Section 28 of the said Act is repealed and the following substituted therefor: s. 28, re-enacted

28.—(1) A coroner may by his warrant require the sheriff of a county or district in which an inquest is to be held to provide a list of the names of such number of persons as the coroner specifies in the warrant taken from the jury roll prepared under *The Juries Act, 1974*. List of jurors 1974, c. 63

(2) Upon receipt of the warrant, the sheriff shall provide the list containing names of persons in the number specified by the coroner, taken from the jury roll prepared under *The Juries Act, 1974*, together with their ages, places of residence and occupations. Idem

(3) No person who is ineligible to serve as a juror under *The Juries Act, 1974* shall be summoned to serve or shall serve as a juror at an inquest. Eligibility

(4) An officer, employee or inmate of a hospital or an institution referred to in subsection 2 or 3 of section 9 shall not serve as a juror at an inquest upon the death of a person who died therein. Idem

(5) The coroner may excuse any person on the list from being summoned or from serving as a juror on the grounds of illness or hardship. Excusing from service

(6) The coroner presiding at an inquest may exclude a person from being sworn as a juror where the coroner believes there is a likelihood that the person, because of interest or bias, would be unable to render a verdict in accordance with the evidence. Exclusion of juror with interest

(7) Where in the course of an inquest the coroner is satisfied that a juror should not, because of illness or other reasonable cause, continue to act, the coroner may discharge the juror. Excusing of juror for illness

(8) Where in the course of an inquest a member of the jury dies or becomes incapacitated from any cause or is excluded or discharged by the coroner under subsection 6 or 7 or is found to be ineligible to serve, the jury shall, unless the coroner otherwise directs and if the number of jurors is not reduced below three, be deemed to remain properly constituted for all purposes of the inquest. Continuation with reduced jury

Report to sheriff

28*a*. On or before the 31st day of December in each year, the coroner shall advise the sheriff of the names of persons who have received fees for service as jurors at inquests and the number of each such name on the jury roll.

Omissions to not vitiate proceedings

28*b*. The omission to observe any of the provisions of this Act or the regulations respecting the eligibility and selection of jurors is not a ground for impeaching or quashing a verdict.

s. 34 (2), amended

13. Subsection 2 of section 34 of the said Act is amended by striking out "inform the witness" in the fourth line and inserting in lieu thereof "ensure that the witness is informed".

s. 40 (2), re-enacted

14. Subsection 2 of section 40 of the said Act is repealed and the following substituted therefor:

Constables at inquest

(2) A coroner may appoint such persons as constables as he considers necessary for the purpose of assisting him in an inquest and, on the request of the coroner, the police force having jurisdiction in the locality in which an inquest is held shall provide a police officer for the purpose and, before acting, every such constable shall take oath or affirm that he will faithfully perform his duties.

s. 44, amended

15. Section 44 of the said Act is amended by adding thereto the following subsection:

Release of exhibits

(2) After an inquest is concluded, the coroner shall, upon request, release documents and things put in evidence at the inquest to the lawful owner or person entitled to possession thereof.

s. 47 (*b*), re-enacted

16.—(1) Clause *b* of section 47 of the said Act is repealed and the following substituted therefor:

(*b*) prescribing fees and allowances for coroners for services performed under this or any other Act and providing for the adjustment of such fees and allowances in special circumstances.

s. 47, amended

(2) The said section 47 is amended by adding thereto the following clauses:

(*ca*) providing for the selecting, recording, summoning, attendance and service of persons as jurors at inquests;

(*cb*) prescribing the contents of oaths and affirmations required or authorized by this Act.

Commencement

17. This Act comes into force on the day it receives Royal Assent.

Short title

18. This Act may be cited as *The Coroners Amendment Act, 1974*.

CHAPTER 104

An Act to amend The Industrial Safety Act, 1971

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *j* of section 1 of *The Industrial Safety Act, 1971*, being chapter 43, is repealed and the following substituted therefor: s. 1 (*j*), re-enacted

(*j*) "industrial establishment" means an office building, factory, shop or office and includes a place where logging is carried on and any land, buildings and structures appertaining thereto.

(2) The said section 1, as amended by the Statutes of Ontario, 1972, chapter 122, sections 1 and 3, is further amended by adding thereto the following clauses: s. 1, amended

(*ka*) "log" includes tree-length pulpwood and a pit prop, pole, post, tie or any similar product;

(*kb*) "logging" means the operation of felling or trimming trees or the measuring, storing, transporting or floating of logs, and includes any of such activities for the clearing of land;

. . . . .

(*t*) "tree" means a tree that is standing or is down from which the limbs have not been removed.

2. Clause *c* of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (*c*), re-enacted

(*c*) logging being done solely by an individual in person on his own behalf and for his personal use;

(*ca*) the felling or trimming of trees for horticultural or aesthetic purposes.

s. 5 (2), re-enacted

3. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Person deemed employer

(2) Notwithstanding subsection 1, and except at a place where logging is carried on, any person who under a contract with an employer or owner of an industrial establishment supplies the employer or owner with a machine or device and a person or persons to work in connection with the machine or device shall, for the purposes of this Act, be deemed to be the employer of the person or persons supplied.

s. 23*a*, enacted

4. The said Act is amended by adding thereto the following section:

Notice to be given

23*a*.—(1) Subject to subsections 2 and 3, an employer shall give to the Director notice of logging in the form prescribed by the regulations.

Idem

(2) Where the logging of which notice is given is to be carried on after the 31st day of March next following the day upon which the notice is given, the employer shall give to the Director a new notice of logging in the form prescribed by the regulations on or before that 31st day of March.

Exception R.S.O. 1970, cc. 179, 102

(3) This section does not apply to logging for which a work permit has been issued under *The Forest Fires Prevention Act* or a licence to cut Crown timber has been issued under *The Crown Timber Act*, or to the felling or trimming of trees by a public utility, a telephone company, a municipality or the Province of Ontario.

s. 24 (1) (*e*), re-enacted

5. Clause *e* of subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

(*e*) in a factory and at a place where logging is carried on, a copy of this Act and the regulations are provided and maintained in good condition in a location readily accessible to the employees.

s. 28, amended

6. Section 28 of the said Act is amended by adding thereto the following subsection:

Minimum age

(4) Notwithstanding subsections 1 and 2, no person shall employ a person under the age of sixteen years at a place where logging is carried on.

s. 33 (2), re-enacted

7. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

(2) Subject to subsection 3, no person shall, except for the purpose of saving life or relieving human suffering, interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do is given by an inspector. Preservation of wreckage

(3) Where logging is carried on, the permission of an inspector shall not be required where the interfering with, disturbing, destroying, carrying away or alteration of any wreckage, article or thing at the scene of or connected with the occurrence is required to prevent unnecessary damage to equipment or other property. Exception

8. *The Loggers' Safety Act*, being chapter 257 of the Revised Statutes of Ontario, 1970, section 54 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, and section 83 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed. Repeals

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. This Act may be cited as *The Industrial Safety Amendment Act, 1974*. Short title

CHAPTER 105

An Act to amend The Fire Departments Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Fire Departments Act*, being chapter 169 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 8, re-enacted

8. *The Arbitrations Act* and *The Statutory Powers Procedure Act, 1971* do not apply to an arbitration under section 6 or 7 of this Act. R.S.O. 1970, c. 25, 1971, c. 47 not to apply

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Fire Departments Amendment Act, 1974*. Short title

CHAPTER 106

An Act to amend The Police Act

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 47*a*, enacted

47*a*. The Lieutenant Governor in Council may, out of moneys appropriated therefor by the Legislature, grant pecuniary aid or other assistance for the benefit of the surviving spouses and children of members of the Ontario Provincial Police Force who are killed or die from injuries received or from illness contracted in the discharge of their duties. Aid to dependants

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Police Amendment Act, 1974*. Short title

CHAPTER 107

An Act to amend The Land Speculation Tax Act, 1974

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Land Speculation Tax Act, 1974*, being chapter 17, is amended by striking out "50" in the sixth line and inserting in lieu thereof "20". s. 2 (1), amended

2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6. Where the result of one or more sales, exchanges, declarations of trust, or other transactions of any kind whatsoever is that a person has transferred property under circumstances such that he may reasonably be considered to have, Avoidance

(*a*) effected a disposition of or with respect to designated land and to have artificially or unduly reduced the amount of the taxable value of the designated land of or with respect to which such disposition has occurred, the taxable value shall be computed as if such reduction had not occurred; or

(*b*) effected a disposition described in subsection 2 of section 2 and to have artificially or unduly reduced the proceeds of disposition arising on such disposition, such proceeds of disposition shall be computed as if such reduction had not occurred.

3.—(1) Where, between the 9th day of April, 1974 and the day on which this Act receives Royal Assent, there has been paid as tax imposed under subsection 1 of section 2 of *The Land Speculation Tax Act, 1974* any amount in excess of the amount that would be payable had the rate of tax mentioned in the said subsection been 20 per cent, the excess amount so paid shall be refunded to the person Refunds 1974, c. 17

who paid it together with interest thereon at the rate of 7 per cent per annum computed from the day on which payment of such excess amount was made to the day when the refund thereof is made.

Moneys required

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Commencement

4.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 shall be deemed to have come into force on the 9th day of April, 1974.

Short title

5. This Act may be cited as *The Land Speculation Tax Amendment Act, 1974 (No. 2)*.

CHAPTER 108

An Act to amend The Corporations Tax Act, 1972

Assented to December 10th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Corporations Tax Act, 1972*, being chapter 143, is amended by adding to Division B of Part II the following section: s. 13*a*, enacted

13*a*. Notwithstanding any other provision of this Act, Land speculation tax not deductible

(*a*) in determining for the purposes of this Act a corporation's capital gain or capital loss for a fiscal year from the disposition of any property; or

(*b*) in determining for the purposes of this Act the income or loss of a corporation for a fiscal year or the amount of any deduction allowed in computing the income of a corporation for a fiscal year,

the amount of any tax, penalty or interest imposed or payable under *The Land Speculation Tax Act, 1974* shall not apply to reduce the gain or increase the loss referred to in clause *a* or to reduce the income or increase the loss referred to in clause *b*. 1974, c. 17

2. This Act shall be deemed to have come into force on the 9th day of April, 1974. Commencement

3. This Act may be cited as *The Corporations Tax Amendment Act, 1974* (*No. 2*). Short title

CHAPTER 109

The Education Act, 1974

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act and the regulations, except where otherwise provided in the Act or regulations, Interpretation

1. "adjoining" means touching at any point;

2. "average daily enrolment" for a calendar year means the number obtained by adding,

   i. the sum of,

      a. the product of 0.3 and the number of pupils registered for more than half-day or half-time attendance on the last school day in each of the months of January and April,

      b. the product of 0.4 and the number of pupils registered for more than half-day or half-time attendance on the last school day in September,

      c. the product of 0.15 and the number of pupils registered for half-day or half-time attendance on the last school day in each of the months of January and April,

      d. the product of 0.2 and the number of pupils registered for half-day or half-time attendance on the last school day in September,

      e. for each pupil, except a pupil referred to in subparagraph ii, who is registered

for less than half-day or half-time attendance, the product of 0.06 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in each of the months of January and April, and

f. for each pupil, except a pupil referred to in subparagraph ii, who is registered for less than half-day or half-time attendance, the product of 0.08 and the number of hours and fractions thereof of instruction for which such pupil is registered on the last school day in September, and

ii. the result obtained by,

a. multiplying, for each summer-school course and for each evening course established by the board, the number of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,

b. ascertaining the sum of the products obtained under sub-subparagraph a,

c. subtracting from the sum obtained under sub-subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and

d. dividing the result obtained under sub-subparagraph c by the number of school days in the calendar year;

3. "board" means a board of education, public school board, secondary school board, Roman Catholic separate school board or Protestant separate school board;

4. "board of education" includes a divisional board;

5. "city" includes a separated town and the portion of a city that is in one school division;

6. "combined separate school zone" means a union of two or more separate school zones;

7. "county" includes a provisional county and united counties;

8. "county combined separate school board" means a separate school board established for a county combined separate school zone;

9. "county combined separate school zone" means a union of the separate school zones whose centres are within an area designated by the regulations that includes a county or all or part of a regional municipality that is not in a territorial district;

10. "county municipality" means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality that is not in the territorial districts;

11. "current expenditure" means an expenditure for operating purposes or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;

12. "current revenue" means all amounts earned by a board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;

13. "debt charge" means the amount of money necessary annually,

    i. to pay the principal due on long-term debt not payable from a sinking fund,

    ii. to provide a fund for the redemption of debentures payable from a sinking fund, and

    iii. to pay the interest due on all debt referred to in subparagraphs i and ii;

14. "defined city" means,

    i. the City of Hamilton,

    ii. the City of London, and

    iii. the City of Windsor;

15. "district combined separate school board" means a separate school board established for a district combined separate school zone;

16. "district combined separate school zone" means a union of the separate school zones whose centres are within an area in the territorial districts that is designated by the regulations;

17. "district municipality" means a municipality, except a city, in a territorial district;

18. "district school area" means a school section in the territorial districts that is not a school division or a school section designated under section 68;

19. "divisional board" means a divisional board of education;

20. "elementary school" means a public school, Roman Catholic separate school or Protestant separate school;

21. "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;

22. "head office" of a board means the place at which the minute book, financial statements and records, and seal of the board are ordinarily kept;

23. "intermediate division" means the division of the organization of a school comprising the first four years of the program of studies immediately following the junior division;

24. "judge" means the judge of the county or district court of the county or district in which the head office of the board is situate;

25. "junior division" means the division of the organization of an elementary school comprising the first three years of the program of studies immediately following the primary division;

26. "locality" means a part of territory without municipal organization that is deemed to be a district municipality for the purposes of a divisional board or of a district combined separate school board;

27. "Minister" means the Minister of Education;

28. "Ministry" means the Ministry of Education;

29. "municipality" means a city, town, village, township or improvement district;

30. "occasional teacher" means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher who has died during the school year or who is absent from his regular duties for a temporary period that is less than a school year and that does not extend beyond the end of a school year;

31. "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately assessed; R.S.O. 1970, c. 32

32. "part-time teacher" means a teacher employed by a board on a regular basis for other than full-time duty;

33. "permanent improvement" includes,

i. a school site and an addition or an improvement to a school site,

ii. a building used for instructional purposes and any addition, alteration or improvement thereto,

iii. an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto,

iv. furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,

v. a bus or other vehicle, including watercraft, for the transportation of pupils,

vi. the obtaining of a water supply or an electrical power supply on the school property or the conveying of a water supply or an electrical power supply to the school from outside the school property,

vii. initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;

34. "permanent teacher" means a teacher employed by a board under a permanent teacher's contract made in accordance with the regulations and includes a teacher whose contract is deemed to include the terms and conditions contained in the form of contract prescribed in the regulations for a permanent teacher;

1972, c. 95

35. "polling list" means a polling list as defined in *The Municipal Elections Act, 1972*;

36. "population" means the population as determined by the latest census taken under section 23 or 23*a* of *The Assessment Act*;

R.S.O. 1970, c. 32

37. "prescribed" means prescribed by the regulations;

38. "primary division" means the division of the organization of an elementary school comprising junior kindergarten, kindergarten and the first three years of the program of studies immediately following kindergarten;

39. "principal" means a teacher appointed by a board to perform in respect of a school the duties of a principal under this Act and the regulations;

40. "private school" means an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study and that is not a school as defined in this section;

41. "probationary teacher" means a teacher employed by a board under a probationary teacher's contract made in accordance with the regulations;

42. "provincial supervisory officer" means a supervisory officer employed by the Minister;

43. "public school elector", in respect of an area for which one or more members of a board are to be elected by public school electors, means a public school elector under *The Municipal Elections Act, 1972*, who is qualified to vote at the election for such members in such area;

44. "regulations" means the regulations made under this Act;

45. "reserve fund" means a reserve fund established under section 308 of *The Municipal Act*; R.S.O. 1970, c. 284

46. "Roman Catholic" includes a Catholic of the Greek or Ukrainian Rite in union with the See of Rome;

47. "rural separate school" means a separate school for Roman Catholics in a township or territory without municipal organization that is not part of a county or district combined separate school zone;

48. "rural separate school zone" means a separate school zone in respect of a rural separate school;

49. "school" means,

    i. the body of public school pupils or separate school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or

    ii. the body of pupils enrolled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario,

    and includes the teachers and other staff members associated with such unit or institution and the lands and premises used in connection therewith;

50. "school day" means a day that is within a school year and is not a school holiday;

51. "school division" means the area in which a divisional board has jurisdiction;

52. "school section" means the area in which a public school board or board of education has jurisdiction for public school purposes;

53. "school site" means land or interest therein or premises required by a board for a school, school playground, school garden, teacher's residence, caretaker's residence, gymnasium, offices, parking areas or for any other school purpose;

54. "school year" means the period prescribed as such by, or approved as such under, the regulations;

55. "secondary school" means a school that is under the jurisdiction of a secondary school board;

56. "secondary school district" means the area in which a secondary school board or a board of education has jurisdiction for secondary school purposes;

57. "secretary" and "treasurer" includes a secretary-treasurer;

58. "senior division" means the division of the organization of a secondary school comprising the three years of the program of studies following the intermediate division;

59. "separated town" means a town separated for municipal purposes from the county in which it is situated;

60. "separate school elector", in respect of an area for which one or more members of a board are to be elected by separate school electors, means a separate school elector under *The Municipal Elections Act, 1972*, who is qualified to vote at the election of such members in such area;

1972, c. 95

61. "separate school supporter" means a Roman Catholic ratepayer,

i. in respect of whom notice of school support has been given in accordance with section 116 and notice of withdrawal of support has not been given under section 117, or

ii. who has directed education taxes to the support of separate schools by confirming or revising an enumeration notice in accordance with section 23 of *The Assessment Act* and the regulations made thereunder,

R.S.O. 1970, c. 32

and includes the Roman Catholic spouse of such ratepayer;

62. "separate school zone" means the area in which property may be assessed to support a separate school or schools for Roman Catholics under the jurisdiction of one separate school board;

63. "supervisory officer" means a person who is qualified in accordance with the regulations governing supervisory officers and who is employed,

i. by a board, or

ii. in the Ministry and designated by the Minister,

to perform such supervisory and administrative duties as are required of supervisory officers by this Act and the regulations;

64. "teacher" means a person who holds a valid certificate of qualification as a teacher in an elementary or a secondary school in Ontario;

65. "temporary teacher" means a person employed to teach under the authority of a letter of permission;

66. "trainable retarded child" means a child whose intellectual functioning is below the level at which he could profit from a special education program for educable retarded children;

67. "urban municipality" means a city, town or village;

68. "urban school section" means a school section, except a school division or a district school area, that includes a municipality;

69. "urban separate school" means a separate school for Roman Catholics in an urban municipality;

70. "urban separate school zone" means a separate school zone established in an urban municipality that does not form part of a county or district combined separate school zone;

71. "vocational school" includes a special vocational school. R.S.O. 1970, c. 111, s. 1 (*d*); R.S.O. 1970, c. 424, s. 1; R.S.O. 1970, c. 425, s. 27 (1); R.S.O. 1970, c. 430, ss. 17, 80 (1); 1971, c. 90, s. 1 (1); 1972, c. 1, s. 62; 1972, c. 73, s. 1; 1972, c. 75, s. 6 (1, 2); 1972, c. 77, s. 1 (1, 3, 4); 1973, c. 92, s. 1, *amended*.

Authority or obligation of parent vested in pupil of 18 years of age

(2) Where by or under this Act any authority or right is vested in, or any obligation is imposed upon, or any reimbursement may be made to, a parent or guardian of a pupil, such authority, right, obligation or reimbursement shall, where the pupil is an adult, be vested in or imposed upon or made to the pupil, as the case may be. 1972, c. 77, s. 1 (6).

Existing school arrangements continued

(3) Until altered under the authority of this or any other Act, all school jurisdictions and boards continue as they now exist and all members of boards duly elected and all officers duly appointed continue in office, and all agreements, contracts, obligations, assessments and tax bills heretofore duly made in relation to elementary and secondary schools and existing when this Act takes effect continue subject to the provisions of this Act. R.S.O. 1970, c. 385, s. 3.

Questions re proceedings as to formation of school section

(4) Where any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge,

and no proceeding or by-law with respect to the formation, alteration or dissolution of a school section is invalid or shall be set aside because of failure to comply with the provisions of any Act applicable to the proceeding or by-law, unless, in the opinion of the judge before which the proceeding or by-law is called in question, the proceeding or by-law, if allowed to stand, would cause substantial injustice to be done to any person affected thereby. R.S.O. 1970, c. 385, s. 52, *amended*.

Amendment of references
R.S.O. 1970, cc. 111, 385, 424, 425, 430
1974, c. 109

(5) A reference in any Act or regulation to *The Department of Education Act, The Ministry of Education Act, The Public Schools Act, The Schools Administration Act, The Secondary Schools and Boards of Education Act* or *The Separate Schools Act* shall be deemed to be a reference to *The Education Act, 1974*.

Effect on separate schools

(6) The consolidation in this Act of the Acts referred to in section 272 shall not adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the Acts repealed by this Act as they existed immediately prior to the coming into force of this Act. *New*.

PART I

MINISTRY OF EDUCATION

Ministry continued

2.—(1) The ministry of the public service known as the Ministry of Education is continued.

Minister to have charge

(2) The Minister shall preside over and have charge of the Ministry. R.S.O. 1970, c. 111, s. 2; 1972, c. 1, s. 61 (3).

Administration

(3) The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. R.S.O. 1970, c. 111, s. 3.

Annual report

3. The Minister shall, after the close of each fiscal year, submit to the Lieutenant Governor in Council a report upon the affairs of the Ministry for the immediately preceding fiscal year and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1972, c. 1, s. 61 (4), *amended*.

Additions to enrolment in special cases

4. The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils who were absent from school because of any condition considered by the Minister to constitute a special circumstance or an emergency. 1973, c. 44, s. 2, *amended*.

Closing of school or class

5.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may order the closing of a school or any class thereof for a specified period. R.S.O. 1970, c. 111, s. 6 (1).

Pupils deemed in attendance

(2) Where a school or class is closed for a specified period under subsection 1, the pupils in such school or class shall for all purposes, including the calculation of general legislative grants and fees, be deemed to be in attendance. 1971, c. 89, s. 2.

Guarantee of debentures

6.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by a board in Ontario for any school purpose for which the board is authorized to issue debentures.

Form of guarantee

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be given under this section is binding upon the Province and is not open to question upon any ground whatsoever.

Validity of guaranteed debentures

(3) Any debenture issued by a board, payment of which is guaranteed by the Province under this section, is valid and binding upon the board by which it is issued and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. R.S.O. 1970, c. 111, s. 7.

Fixing rate of interest on debentures, etc., held by Treasurer

7. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a board, the rate at which interest shall be allowed to, paid by or credited to a board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1970, c. 111, s. 8.

Powers of Minister:

8.—(1) The Minister may,

diplomas and certificates

(*a*) name the diplomas and certificates that are to be granted to pupils and prescribe their form and the conditions under which they are to be granted;

courses of study

(*b*) prescribe the courses of study that shall be taught and the courses of study that may be taught in the primary, junior, intermediate and senior divisions;

courses and areas of study

(*c*) in respect of schools under the jurisdiction of a board,

(i) issue curriculum guidelines and require that courses of study be developed therefrom and establish procedures for the approval of courses of study that are not developed from such curriculum guidelines,

(ii) prescribe areas of study and require that courses of study be grouped thereunder and establish procedures for the approval of alternative areas of study under which courses of study shall be grouped, and

(iii) approve or permit boards to approve,

a. courses of study that are not developed from such curriculum guidelines, and

b. alternative areas of study under which courses of study shall be grouped,

and authorize such courses of study and areas of study to be used in lieu of or in addition to any prescribed course of study or area of study;

procedures

(*d*) establish procedures by which and the conditions under which books and other learning materials are selected and approved by the Minister;

textbooks, reference books, etc.

(*e*) select and approve for use in schools textbooks, library books, reference books and other learning materials;

publication of book lists

(*f*) cause to be published from time to time lists of textbooks, reference books and library books, selected and approved by the Minister for use in elementary and secondary schools;

daily register

(*g*) prescribe the form of the register of attendance and the manner of its use in recording the daily attendance of pupils of schools, or approve the use of an alternate method of recording such daily attendance, and prescribe the form in which enrolment and attendance data shall be submitted to the Minister;

letter of standing

(*h*) grant a letter of standing to a person who is a qualified teacher in a jurisdiction outside Ontario and who holds academic and professional qualifications equivalent to those required in Ontario at the time of the issuing of the letter of standing;

letter of permission

(*i*) grant a letter of permission to a board authorizing the board to employ as a teacher a person not

qualified as such if the Minister is satisfied that no teacher is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify therein;

letter of approval

(*j*) grant a temporary letter of approval to a board authorizing the board to appoint or assign, for a period not exceeding one year, a teacher to teach a subject or hold a position where the teacher does not hold the certificate required for teaching the subject;

withdraw letter

(*k*) withdraw any letter of permission or temporary letter of approval granted under this Act;

suspend or cancel

(*l*) suspend or cancel and reinstate any interim, temporary, permanent, special or other certificate of qualification or letter of standing;

accept equivalent qualification

(*m*) accept in lieu of any requirement prescribed for a teacher, head of a department, principal, director, supervisor or supervisory officer, or for a candidate for a certificate or for admission to a school, such experience, academic scholarship or professional training as he considers equivalent thereto, and may require such evidence thereof as he considers necessary;

medical examinations

(*n*) require employees of school boards to submit to medical examinations;

courses

(*o*) provide or approve and review courses for teachers, principals and supervisory officers;

correspondence courses

(*p*) provide for the development, distribution and supervision by the Ministry of correspondence courses;

scholarships

(*q*) provide for, and prescribe the conditions of, the granting of scholarships and awards to pupils;

teachers' colleges

(*r*) in respect of teachers' colleges,

(i) define courses of study and subjects to be taught,

(ii) recommend reference books and library books,

(iii) approve textbooks,

(iv) determine the number of terms and the dates upon which each term begins and ends, and

(v) grant Bachelor of Education degrees;

provincial schools

(*s*) in respect of schools for the deaf and the blind, determine the number of terms and the dates upon which each term begins and ends;

apportion federal grants

(*t*) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he considers proper;

educational advancement programs, activities and projects and accountable advances

(*u*) make payments out of funds appropriated therefor by the Legislature to a board, an individual, a voluntary association or a corporation without share capital having objects of a charitable or educational nature,

(i) to assist or advance programs, activities or projects for students that involve a cultural and educational exchange with other provinces and countries, provincial or interprovincial travel, school twinning and related assistance, leadership training, or summer employment, and

(ii) to foster and promote educational advancement by means of programs, activities or projects that are provided for visiting educational officials, designed to further the professional development of teachers and supervisory officers including exchange of such personnel, or considered by the Minister to be valuable in advancing a particular area of study,

and, subject to the terms and conditions that are approved for such purpose by the Lieutenant Governor in Council, make an accountable advance to the recipient of a payment under this clause or to an individual, not being a member of the public service, who conducts or assists in conducting or participates in any such program, activity or project. R.S.O. 1970, c. 111, s. 10 (1); 1972, c. 73, s. 3; 1973, c. 44, s. 3, *amended*.

Application R.S.O. 1970, c. 410

(2) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. R.S.O. 1970, c. 111, ss. 9, 12 (1), pars. 19, 20; 1972, c. 73, s. 2, *amended*.

Powers of Minister:

9. The Minister may,

advisory body

(*a*) appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

commission of inquiry

(*b*) appoint as a commission one or more persons, as he considers expedient, to inquire into and report

upon any school matter, and such commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act; 1971, c. 49

(*c*) submit a case on any question arising under this Act to a judge of the Supreme Court for his opinion and decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision. R.S.O. 1970, c. 111, s. 10 (1); 1972, c. 73, s. 3, *amended*. secure legal opinion

10.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations in respect of schools or classes established under this Act, or any predecessor of this Act, and with respect to all other schools supported in whole or in part by public money, Regulations

1. for the establishment, organization, administration and government thereof; general

2. governing the admission of pupils; admit pupils

3. prescribing the manner in which records in respect of pupils of elementary and secondary schools shall be established and maintained, including the forms to be used therefor and the type of information that shall be kept and recorded, and providing for the retention, transfer and disposal of such records; pupil records

4. providing for the disposition of records established prior to the 1st day of September, 1972, in respect of pupils; disposition of present pupil records

5. governing the establishment, organization and administration of special education programs, facilities and services for pupils; special education

6. defining and governing evening classes; evening classes

7. requiring boards to purchase books for the use of pupils; purchase books

8. prescribing the accommodation and equipment of buildings and the arrangement of premises; accommodation and equipment

9. defining and governing programs of recreation, camping, physical education and adult education; recreation programs

certificates and letters of standing

10. governing the granting, suspending and cancelling of permanent, temporary, interim, special and other certificates of qualification, and letters of standing;

letter of permission

11. governing the granting to a board of a letter of permission and a temporary letter of approval and providing for the withdrawal of such letters;

teacher's contract

12. prescribing the form of contract that shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract;

schools on Crown lands

13. governing the establishment and operation of public and secondary schools on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools;

pupils on Crown lands, wards of children's aid society and in approved homes, etc.

14. governing the payment of the cost of education at elementary and secondary schools of pupils who,

i. reside in the territorial districts, or on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on other lands that are exempt from taxation for school purposes,

ii. are wards of or in the care of a children's aid society, or

iii. are placed in an approved home as defined in *The Mental Hospitals Act* or a detention and observation home established under *The Provincial Courts Act*;

R.S.O. 1970, cc. 270, 369

board, lodging and transportation of pupils

15. providing for assistance in the payment of board, lodging and transportation costs of elementary and secondary school pupils;

fees of examiners

16. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;

17. governing the provision of religious exercises and religious education in public and secondary schools and providing for the exemption of pupils from participating in such exercises and education and of a teacher from teaching, and a public school board or a secondary school board from providing, religious education in any school or class; religious exercises and education

18. prescribing the language or languages in which any subject or subjects shall be taught in any year of the primary, junior, intermediate or senior division; language of instruction

19. providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions; exchange teachers

20. governing school libraries; school libraries

21. listing the textbooks that are selected and approved by the Minister for use in schools; textbooks

22. respecting observation and practice teaching by student teachers; practice teaching

23. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, directors, supervisory officers, heads of departments, principals, superintendents, bursars, matrons, school attendance counsellors and other officials; powers and duties of teachers, etc.

24. prescribing the duties of pupils; pupils

25. governing the operation of schools for trainable retarded children; schools for trainable retarded children

26. prescribing the qualifications and experience required for the purpose of qualifying a person to teach; qualification to teach

27. prescribing forms and providing for their use; forms

28. governing the transportation of pupils; transportation

29. regulating the practice and procedure to be followed at any hearing provided for by or under this Act; practice and procedure

30. governing the assignment by a board of duties to directors of education and other supervisory officers and prescribing the procedures in respect thereof, and defining any word or expression used in such regulation; duties of supervisory officers

suspension or dismissal of supervisory officers

31. prescribing the practices and procedures to be followed by a board in the case of suspension or dismissal of a director of education or other supervisory officer. R.S.O. 1970, c. 111, s. 12 (1); 1971, c. 89, s. 3 (1, 2); 1972, c. 73, s. 4 (1-3), *amended*.

Student-Aid loan contracts

(2) Every contract executed by a person under twenty-one years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract. R.S.O. 1970, c. 111, s. 12 (2).

Regulations, grants

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(*a*) providing for the apportionment and distribution of moneys appropriated or raised by the Legislature for educational purposes;

(*b*) prescribing the conditions governing the payment of legislative grants;

(*c*) for the purposes of legislative grants,

(i) defining any word or expression,

(ii) requiring the approval of the Minister to any amount of money or rate determined by the application of any word or expression defined,

(iii) prescribing the portions of any expenditure to which such grants apply, and

(iv) respecting the application of any part of such grants; R.S.O. 1970, c. 111, s. 12 (3) (*a-c*); 1972, c. 73, s. 4 (4), *amended*.

(*d*) providing an assessment equalization factor,

(i) for each municipality, including, for public and secondary school purposes, any part of territory without municipal organization that is deemed to be attached thereto for such purposes and, for public school purposes, any part of territory without municipal organization that is deemed to be annexed thereto for public school purposes,

(ii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part III,

(iii) for each part of territory without municipal organization that is deemed to be a district municipality for the purposes of Part IV,

(iv) for each public school section that comprises only territory without municipal organization, and

(v) for each separate school zone that comprises only territory without municipal organization,

and may determine the assessment roll to which each such factor applies;

(*e*) prescribing the method of calculating the amount of the fee receivable by a board in respect of elementary or secondary school pupils or any class or group thereof, where the board provides education for one or more pupils in respect of whom a fee is payable under this Act, and defining any word or expression used in such regulation. *New.*

Application to previous year

(4) A regulation made in any year under subsection 3 may be made to apply in its operation to that year, to a previous year, or to both. 1972, c. 73, s. 4 (5), *amended.*

Estimates and expenditures

(5) Subject to the approval of the Lieutenant Governor in Council and to section 131, the Minister may make regulations governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose. R.S.O. 1970, c. 111, s. 12 (3) (*d*).

School year, terms and holidays

(6) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(*a*) prescribing and governing the school year, school terms and school holidays;

(*b*) authorizing a board to vary one or more school terms or school holidays as designated by the regulations; and

(*c*) permitting a board to designate, and to implement with the prior approval of the Minister, a school year, school terms and school holidays for one or more schools under its jurisdiction that are different from those prescribed by the regulations.

Exceptions: compulsory attendance

(7) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations prescribing the conditions under which, and establishing the procedures by which, a child who is otherwise required to attend school under Part II and who has attained the age of fourteen years may be excused from attendance at school or required to attend school only part-time. *New.*

Regulations

(8) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

fee for transcripts

(*a*) prescribing the fee to be paid to the Ministry for a transcript of standing obtained in Ontario by a pupil;

fee for certificates and letters of standing

(*b*) prescribing the fee to be paid to the Ministry for duplicates of certificates of qualification and letters of standing;

fee for statement of standing

(*c*) prescribing the fee to be paid to the Ministry by a teacher for the preparation at his request of a statement of standing obtained, or a description of courses completed, at a teacher education institution in Ontario, and the forwarding thereof to a certification authority outside Ontario or to an educational institution;

fees for evaluations

(*d*) prescribing the conditions under which fees are to be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of educational standing obtained outside Ontario, and the amounts of such fees;

fees for duplicates of certificates

(*e*) prescribing the fees to be paid for duplicates of diplomas and certificates granted to pupils;

fees for courses

(*f*) prescribing the fees to be paid for courses provided by the Ministry for teachers, principals and supervisory officers;

admission to teachers' college

(*g*) prescribing the terms and conditions upon which students may be admitted to a teachers' college, remain therein and be dismissed therefrom;

tuition fee teachers' college

(*h*) requiring the payment of a tuition fee by students attending a teachers' college and fixing the amount and manner of payment thereof. 1972, c. 73, s. 4 (3); 1973, c. 44, s. 4 (1), *amended*.

Metropolitan Toronto School Board

(9) A regulation made under this section may be made to apply to The Metropolitan Toronto School Board. 1972, c. 73, s. 4 (6).

Agreements with Canada re: physical fitness

11.—(1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada, represented by the Minister of National Health and Welfare of Canada respecting physical fitness, and the Minister may authorize a board to provide training in physical fitness.

pupils at Indian schools

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act.

R.S.C. 1970, c. I-6

bursaries and scholarships

(3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Manpower and Immigration, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. R.S.O. 1970, c. 111, s. 13, *amended*.

Continuation of school for deaf

12.—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is continued under the administration of the Minister.

School for blind

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is continued under the administration of the Minister.

Additional schools

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind.

Regulations for schools for the deaf or blind

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may, in addition to his powers under section 10, make regulations with respect to such schools for the deaf or blind,

(*a*) prescribing the terms and conditions upon which pupils may,

(i) be admitted to, and remain in, a school,

(ii) reside in homes approved by a superintendent, and

(iii) be discharged from a school;

(*b*) authorizing the Minister to appoint a committee to determine any question concerning the eligibility for admission of an applicant;

(*c*) prescribing the fees, if any, that shall be paid in respect of pupils of any class or classes thereof;

(*d*) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;

(*e*) authorizing a superintendent to establish rules in respect of pupils admitted to the school;

(*f*) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;

(*g*) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose

of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;

(*h*) authorizing a superintendent to dismiss a pupil and prescribing procedures in respect thereof;

(*i*) authorizing the Minister to provide training for, and certification of, teachers of the deaf and of the blind;

(*j*) designating the name of each school continued or established under this section.

Cost

(5) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 12, *amended*.

Teacher education

13.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

(*a*) establish, maintain and conduct a college for the professional education of teachers;

(*b*) enter into an agreement with a university, a college of a university or a college to provide for the professional education of teachers by the university or college, under such terms and conditions as the Minister and the university or college may agree upon.

Practice teaching

(2) Where the Minister conducts a teacher education program, a board that operates a public, separate or secondary school shall permit its schools to be used for observation and practice teaching purposes and shall provide for the services of any of its teachers in accordance with a schedule of payments to boards that provide accommodation for practice teaching purposes and to their principals and teachers who participate therein, and such schedule shall be approved by the Lieutenant Governor in Council.

Idem

(3) Where a teacher education program is conducted pursuant to an agreement under clause *b* of subsection 1, a board that operates a public, separate or secondary school shall permit its schools to be used for observation and practice teaching purposes and shall provide for the services of any of its teachers under such terms and conditions as may be agreed upon between the board and the institution conducting the program and failing agreement in accordance with the schedule of payments to boards, principals and teachers referred to in subsection 2.

Cost of teacher education

(4) The cost of the establishment, maintenance and conduct of a college referred to in clause *a* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature.

(5) The cost of providing the professional education of teachers by a university, a college of a university or a college under an agreement referred to in clause *b* of subsection 1 shall be payable out of moneys appropriated therefor by the Legislature. 1972, c. 73, s. 6, *amended*. Idem

14.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership training camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 19. Expenses

15.—(1) No private school shall be operated in Ontario unless notice of intention to operate the private school has been submitted in accordance with this section. Intention to operate private school

(2) Every private school shall submit annually to the Ministry on or before the 1st day of September a notice of intention to operate a private school. Idem

(3) A notice of intention to operate a private school shall be in such form and shall include such particulars as the Minister may require. Idem

(4) Every person concerned in the management of a private school that is operated in contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $25 for every day such school is so operated. Offence to operate private school without filing notice of intent to operate

(5) The principal, headmaster or person in charge of a private school shall make a return to the Ministry furnishing such statistical information regarding enrolment, staff, courses of study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than $100. Return

(6) The Minister may direct one or more supervisory officers to inspect a private school, in which case each such supervisory officer may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1970, c. 111, s. 20 (1-6). Inspection of school

Inspection on request

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the standard of instruction in the subjects leading to the secondary school graduation diploma and to the secondary school honour graduation diploma, and may determine and charge a fee for such inspection. 1972, c. 73, s. 7, *amended*.

Inspection of teachers

(8) The Minister may, on the request of a person operating a private school or of a person in charge of a conservation authority school or field centre, provide for the inspection of a teacher in such school or centre who requires the recommendation of a supervisory officer for certification purposes. *New*.

Offence for false statement

(9) Every person who knowingly makes a false statement in a notice of intention to operate a private school or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than $200. R.S.O. 1970, c. 111, s. 20 (8).

Variation of scholarships and awards

R.S.O. 1970, c. 166

16.—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 15 of *The Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

(*a*) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;

(*b*) the school or teachers' college at which attendance is required for eligibility is no longer operated;

(*c*) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or

(*d*) the course or program of instruction specified in the terms and condition is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms and conditions as in the opinion of the Minister

most nearly approximate those of the original gift or bequest, and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

Where award is repayable loan

(2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection 1 shall apply *mutatis mutandis*. 1971, c. 89, s. 5.

PART II

SCHOOL ATTENDANCE

Interpretation

17. In sections 20, 22, 25, 27 and 29, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1970, c. 424, s. 2.

Closing of school or class by board

18. A board may close or authorize the closing of a school or class for a temporary period where such closing appears unavoidable because of,

(*a*) failure of transportation arrangements; or

(*b*) inclement weather, fire, flood, the breakdown of the school heating plant, the failure of an essential utility or a similar emergency. 1973, c. 92, s. 3, *amended*.

Closing of schools on civic holiday

19. Where the head of the council of a municipality in which a school is situate proclaims a school day as a civic holiday for the municipality, the board may, by resolution, close any of the schools under its jurisdiction on such day. 1972, c. 77, s. 2 (3).

Compulsory attendance

20.—(1) Unless excused under this section,

(*a*) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on

every school day from the first school day in September in that year until he attains the age of sixteen years; and

(*b*) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years. R.S.O. 1970, c. 424, s. 6 (1).

When attendance excused

(2) A child is excused from attendance at school if,

(*a*) he is receiving satisfactory instruction at home or elsewhere;

(*b*) he is unable to attend school by reason of sickness or other unavoidable cause;

(*c*) transportation is not provided by a board for the child and there is no school that he has a right to attend situated,

(i) within one mile from his residence measured by the nearest road if he has not attained the age of seven years on or before the first school day in September in the year in question, or

(ii) within two miles from his residence measured by the nearest road if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or

(iii) within three miles from his residence measured by the nearest road if he has attained the age of ten years on or before the first school day in September in the year in question;

(*d*) he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;

(*e*) he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;

(*f*) he is suspended, expelled or excluded from attendance at school under any Act or under the regulations;

(*g*) he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs; or

(*h*) he is absent or excused as authorized under this Act and the regulations. R.S.O. 1970, c. 424, s. 6 (2); 1972, c. 77, s. 3.

Blind, deaf or mentally handicapped children

(3) The fact that a child is blind, deaf or mentally handicapped is not of itself an unavoidable cause under clause *b* of subsection 2 if the child is eligible for admission to the Ontario School for the Blind, an Ontario School for the Deaf or a school or class for trainable retarded children.

Child under compulsory age

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the period for which the child is enrolled as if he were of compulsory school age.

Duty of parent, etc.

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section.

Separate school supporters

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or a Protestant separate school, or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1970, c. 424, s. 6 (3-6), *amended*.

Where school year varied

21. Where a school year approved by the Minister does not commence on the day following Labour Day, references to the first school day in September and the last school day in June in section 20 shall be read as the first school day in the school year and the last school day in the school year respectively for the purpose of compulsory attendance of pupils of the school or schools or parts thereof to which the school year applies. 1973, c. 92, s. 5.

Suspension of pupil

22.—(1) A principal may suspend a pupil for a fixed period, not in excess of a period determined by the board, because of persistent truancy, persistent opposition to authority, habitual neglect of duty, the wilful destruction of school property, the use of profane or improper language, or conduct injurious to the moral tone of the school or to the physical or mental wellbeing of others in the school and, where a pupil has been suspended, the principal shall notify forthwith in writing the pupil, his teachers, the parent or guardian of the pupil, the board, the appropriate school attendance counsellor and the appropriate supervisory officer of the suspension, the reasons therefor and the right of appeal under subsection 2.

Appeal against suspension

(2) The parent or guardian of a pupil who has been suspended or the pupil, where he is an adult, may, within seven days of the commencement of the suspension, appeal to the board against the suspension and the board, after hearing the appeal or where no appeal is made, may remove, confirm or modify the suspension and, where the board considers it appropriate, may order that any record of the suspension be expunged. R.S.O. 1970, c. 424, s. 21 (2) (*l*), *amended*.

Expulsion of pupil

(3) A board may expel a pupil from its schools on the ground that his conduct is so refractory that his presence is injurious to other pupils where,

(*a*) the principal and the appropriate supervisory officer so recommend;

(*b*) the pupil and his parent or guardian have been notified in writing of,

(i) the recommendation of the principal and the supervisory officer, and

(ii) the right of the pupil where he is an adult and otherwise of his parent or guardian to make representations at a hearing to be conducted by the board;

(*c*) the teacher or teachers of the pupil have been notified; and

(*d*) such hearing has been conducted. R.S.O. 1970, c. 424, s. 34, par. 24; 1971, c. 90, s. 5 (3), *amended*.

Parties to hearing

(4) The parties to a hearing under this section shall be the parent or guardian of the pupil or the pupil, where he is an adult, the principal of the school that the pupil attends and, in the case of an expulsion, the appropriate supervisory officer.

Readmission of pupil

(5) A board may at its discretion readmit to school a pupil who has been expelled. *New*.

Provincial School Attendance Counsellor

23.—(1) The Lieutenant Governor in Council may appoint an officer, to be known as the Provincial School Attendance Counsellor, who shall, under the direction of the Minister, superintend and direct the enforcement of compulsory school attendance. R.S.O. 1970, c. 424, s. 7 (1).

Inquiry by Provincial Counsellor

(2) Where the parent or guardian of a child considers that the child is excused from attendance at school under subsection 2 of section 20, and the appropriate school attendance counsellor or the Provincial School Attendance Counsellor is of the opinion that the child should not be excused from

attendance, the Provincial School Attendance Counsellor shall direct that an inquiry be made as to the validity of the reason or excuse for non-attendance and the other relevant circumstances, and for such purpose shall appoint one or more persons who are not employees of the board that operates the school that the child has the right to attend to conduct a hearing and to report to him the result of the inquiry and may, by order in writing signed by him, direct that the child,

(*a*) be excused from attendance at school; or

(*b*) attend school,

and a copy of the order shall be delivered to the board and to the parent or guardian of the child. 1972, c. 77, s. 4.

Powers of Provincial Counsellor

(3) The Provincial School Attendance Counsellor has all the powers of a school attendance counsellor and may exercise such powers anywhere in Ontario. R.S.O. 1970, c. 424, s. 7 (4).

Appointment of school attendance counsellors

24.—(1) Every board shall appoint one or more school attendance counsellors.

Idem

(2) Two or more boards may appoint the same school attendance counsellor or counsellors.

Vacancies

(3) Where the office of a school attendance counsellor becomes vacant, it shall be filled forthwith by the board.

Notice of appointment

(4) Notice of the appointment of a school attendance counsellor shall be given in writing by the board to the Provincial School Attendance Counsellor and to the supervisory officers concerned. R.S.O. 1970, c. 424, s. 8.

Jurisdiction and responsibility of school attendance counsellor

(5) A school attendance counsellor appointed by a board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of every child who is required to attend school and who,

(*a*) is qualified to be a resident pupil of the board; or

(*b*) is or has been enrolled during the current school year in a school operated by the board, except a child who is under the jurisdiction of a person appointed under section 119 of the *Indian Act* (Canada). R.S.O. 1970, c. 424, s. 9, *amended*.

R.S.C. 1970, c. I-6

Powers of counsellors

25.—(1) Where a school attendance counsellor has reasonable and probable grounds for believing that a child is illegally absent from school, he may, at the written request of the parent or guardian of the child or of the principal of the

school that the child is required to attend, take the child to his parent or guardian or to the school from which he is absent provided that, if exception is taken to his entering a dwelling place, he shall not enter therein without a warrant. 1972, c. 77, s. 5 (1).

Reports

(2) A school attendance counsellor shall report to the board that appointed him as required by the board. R.S.O. 1970, c. 424, s. 10 (2); 1972, c. 77, s. 5 (2).

To act under appropriate supervisory officer and provincial counsellor

(3) A school attendance counsellor is responsible to the appropriate supervisory officer, and shall carry out the instructions and directions of the Provincial School Attendance Counsellor. R.S.O. 1970, c. 424, s. 10 (3).

Inquiry by counsellor and notice

(4) A school attendance counsellor shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the appropriate supervisory officer or the principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith, and shall advise the parent or guardian in writing of the provisions of subsection 2 of section 23. R.S.O. 1970, c. 424, s. 10 (4); 1972, c. 77, s. 5 (3).

Census

26. A board may make or obtain a complete census of all persons in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1970, c. 424, s. 11; 1972, c. 77, s. 6.

Reports and information

27.—(1) The principal of every elementary and secondary school shall,

(*a*) report to the appropriate school attendance counsellor and supervisory officer the names, ages and residences of all pupils of compulsory school age who have not attended school as required;

(*b*) furnish the school attendance counsellor with such other information as the counsellor requires for the enforcement of compulsory school attendance; and

(*c*) report in writing to the school attendance counsellor every case of expulsion and readmission of a pupil. R.S.O. 1970, c. 424, s. 12 (1); 1973, c. 92, s. 6.

Where no school attendance counsellor

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance counsellor having jurisdiction in respect of the child, the appropriate

supervisory officer shall notify the parent or guardian of the child of the requirements of section 20. R.S.O. 1970, c. 424, s. 12 (2).

Provincial counsellor as trustee

28. Where it appears to the Minister that the board of a district school area is not providing accommodation or instruction for its resident pupils either in schools operated by the board or under an agreement with another board in schools operated by such other board, has neglected or failed to raise the necessary funds for the provision of such accommodation and instruction or has in other respects failed to comply with this Act and the regulations, or that the election of members of the board has been neglected and no regular board is in existence, the Minister may authorize and direct the Provincial School Attendance Counsellor to do all things and exercise all powers that may be necessary for the provision and maintenance of accommodation and instruction for the resident pupils of the board including the erection of school buildings and the conduct of schools and for the levying of all sums of money required for the purposes of the board, and generally whatever may be required for the purpose of establishing, maintaining and conducting schools in accordance with this Act and the regulations, and thereupon the Provincial School Attendance Counsellor has, for such period as authorized by the Minister, all the authority and powers vested in, and may, during such period, perform the duties of, the board. R.S.O. 1970, c. 424, s. 13, *amended*.

Liability of parent or guardian

29.—(1) A parent or guardian of a child of compulsory school age who neglects or refuses to cause the child to attend school is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a fine of not more than $100.

Bond for attendance

(2) The provincial judge may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to submit to the Treasurer of Ontario a personal bond, in a form prescribed by the provincial judge, in the penal sum of $200 with one or more sureties as required, conditioned that the person shall cause the child to attend school as required by this Part, and upon breach of the condition the bond is forfeit to the Crown. R.S.O. 1970, c. 424, s. 14 (1, 2), *amended*.

Employment during school hours

(3) A person who employs during school hours a child who is required to attend school under section 20 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 424, s. 14 (3); 1972, c. 77, s. 7 (1), *amended*.

Offences by corporations

(4) Subsections 1 and 3 apply, *mutatis mutandis*, to a corporation and, in addition, every director and officer of the corporation who authorizes, permits or acquiesces in the

contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. R.S.O. 1970, c. 424, s. 14 (4).

Habitually absent from school

(5) A child who is required by law to attend school and who refuses to attend or who is habitually absent from school is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a provincial judge in the Provincial Court (Family Division), and the provincial judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada), and subsection 2 of section 231 applies in any proceeding under this section. R.S.O. 1970, c. 424, s. 14 (5); 1972, c. 77, s. 7 (2), *amended*.

R.S.C. 1970, c. J-3

Proceedings under subs. 5

(6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection. R.S.O. 1970, c. 424, s. 14 (6).

Reference to provincial counsellor for inquiry

(7) Where, in proceedings under this section, it appears to a provincial judge that the child may have been excused from attendance at school under subsection 2 of section 20, the provincial judge may refer the matter to the Provincial School Attendance Counsellor who shall direct that an inquiry shall be made as provided in subsection 2 of section 23 which subsection shall apply *mutatis mutandis* except that the Provincial School Attendance Counsellor shall, in lieu of making an order, submit a report to the provincial judge. 1972, c. 77, s. 7 (3).

Proceedings to be taken by attendance counsellors

30.—(1) Prosecutions under section 29 shall be instituted by the school attendance counsellor concerned and prosecutions under subsection 1 of section 29 shall be instituted in the Provincial Court (Family Division).

Certificate of principal as evidence

(2) In prosecutions under section 29, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal.

Proof of age

(3) Where a person is charged under section 29 in respect of a child who is alleged to be of compulsory school age and the child appears to the provincial judge to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1970, c. 424, s. 15.

Order re school attendance

(4) An order made under subsection 2 of section 23 shall be admitted in evidence in a prosecution only where the prosecution is in respect of the school year for which the order was made. 1972, c. 77, s. 8.

Resident pupil right to attend school

31.—(1) A person has the right, without payment of a fee, to attend a school in a school section, separate school zone or secondary school district, as the case may be, in which he is qualified to be a resident pupil. R.S.O. 1970, c. 425, s. 62 (1), *amended*.

Admission without fee

(2) Notwithstanding the other provisions of this Part, where it appears to a board that a person who resides in the area of jurisdiction of the board is denied the right to attend school without the payment of a fee, the board, at its discretion, may admit the person from year to year without the payment of a fee. R.S.O. 1970, c. 385, s. 5 (14); R.S.O. 1970, c. 425, s. 62 (5), *amended*.

Resident pupil public school qualification

32.—(1) Subject to sections 34, 35 and 42, a person who attains the age of six years in any year is, after the 1st day of September in such year, qualified to be a resident pupil in respect of a school section until the last school day in June in the year in which he attains the age of twenty-one years, if,

(*a*) he resides in the school section in which his parent or guardian who is not a separate school supporter resides; or

(*b*) he or his parent or guardian is assessed for public school purposes in the school section,

(i) as an owner, or

(ii) for business assessment, or

(iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for public school purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year. R.S.O. 1970, c. 385, s. 4 (1); 1971, c. 69, s. 1 (3); 1973, c. 37, s. 2, *amended*.

Resident pupil separate school qualification

(2) Subject to sections 34, 35 and 42, a person who attains the age of six years in any year is, after the 1st day of September in such year, qualified to be a resident pupil in respect of a separate school zone until the last school day in June in the year in which he attains the age of twenty-one years, if,

(*a*) he resides in the separate school zone in which his parent or guardian who is a separate school supporter resides; or

(*b*) he or his parent or guardian is assessed for separate school purposes in the zone,

(i) as an owner, or

(ii) for business assessment, or

(iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year. R.S.O. 1970, c. 430, s. 25 (1), *part*; 1971, c. 70, s. 1 (3); 1972, c. 137, s. 1, *amended*.

Evidence as to right to attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend an elementary school, including proof of age. R.S.O. 1970, c. 385, s. 4 (3); R.S.O. 1970, c. 430, s. 25 (3).

Resident pupil, elementary

(4) A person who is qualified to be a resident pupil in respect of a school section or a separate school zone is a resident pupil if he enrols in a school operated by the board of the school section or separate school zone, as the case may be, or in a school operated by another board to which the board of such school section or separate school zone pays fees on his behalf. *New*.

Kindergarten

33.—(1) Where a board operates a kindergarten in a school, a child who is otherwise qualified and resides within the attendance area of that school may become a resident pupil at an age one year lower than that referred to in section 32.

Junior kindergarten

(2) Where a board operates a junior kindergarten in a school, a child who is otherwise qualified and resides within the attendance area of that school may become a resident pupil at an age two years lower than that referred to in section 32. R.S.O. 1970, c. 385, s. 4 (4, 5); R.S.O. 1970, c. 430, s. 25 (4, 5).

Beginners class

(3) A board may provide a class or classes for children to enter school for the first time on or after the first school day in January and, where the board so provides, a child whose birthday is on or after the 1st day of January and before the 1st day of July, who resides in an area determined by the board and who is eligible to be admitted to an elementary

school or kindergarten, as the case may be, on the first school day in the following September, may become a resident pupil in respect of such class. 1973, c. 37, s. 1, *amended*.

When person not resident pupil

34.—(1) A person is not qualified to be a resident pupil in respect of an elementary school if he is unable by reason of mental or physical handicap to profit by instruction in an elementary school. R.S.O. 1970, c. 385, s. 4 (1) (*b*); R.S.O. 1970, c. 430, s. 25 (1), *part*.

Inability to profit by instruction

(2) The inability of a pupil to profit by instruction in an elementary school because of a mental or physical handicap shall be determined by a committee established by the board in accordance with this section. R.S.O. 1970, c. 385, s. 4 (2); R.S.O. 1970, c. 430, s. 25 (2), *amended*.

Idem

(3) Where the principal of an elementary school considers that a pupil who attends his school is unable by reason of a mental or physical handicap to profit by instruction in an elementary school, or where the parents or guardian of a pupil consider that the pupil is unable to profit by instruction by reason of a mental or physical handicap, the principal shall refer the matter to the appropriate supervisory officer who shall refer the matter to the board, and the board shall appoint a committee of three persons consisting of a supervisory officer and a principal, neither of whom is the supervisory officer or principal to whom the matter has been previously referred, and,

(*a*) a legally qualified medical practitioner where the pupil allegedly has a physical handicap; or

(*b*) a legally qualified psychiatrist where the pupil allegedly has a mental handicap or a multiple handicap involving both mental and physical defect.

Inquiry by committee

(4) The committee referred to in subsection 3 shall inquire into the alleged inability of the pupil to profit by instruction and the mental or physical condition of the pupil, determine whether the pupil can profit by instruction and make a written report to the board of its determination and, for the purposes of its inquiry, report and determination, the committee shall study all existing reports in respect of the pupil, hear the teachers, parents or guardian of the pupil and any other person who may be able to contribute information bearing upon the matter and may, with the consent of the parents or guardian of the pupil, obtain and consider in respect of the pupil,

(*a*) in the case of alleged mental handicap, a report of an intellectual assessment conducted by a person considered by the committee to be competent for the purpose; and

(*b*) in the case of alleged physical handicap, a report of a medical examination conducted by a legally qualified medical practitioner,

and any costs incurred in respect of such assessment or examination, or in respect of the obtaining of other evidence required by the committee, shall be paid by the board.

Review

(5) Where the parent or guardian of a person determined under this section to be unable to profit by instruction in an elementary school,

(*a*) believes that by reason of improvement in the mental or physical condition of the person or other cause the person has become able to profit by such instruction; and

(*b*) furnishes to a supervisory officer of the board in whose jurisdiction the person resides evidence or information to establish his belief,

the board shall appoint a committee constituted in accordance with subsection 3 which shall review the determination previously made under this section and confirm or alter such determination, and for such purpose the committee has the powers and duties of a committee under subsection 4, which subsection applies *mutatis mutandis*.

Notification of Minister re exclusion

(6) Where a person is excluded from an elementary school under this section, the board shall forthwith notify the Minister. *New*.

Admission where pupil moves into residence not assessed in accordance with his school support

35. Where a child who would otherwise have the right to attend school in a school section or separate school zone moves with his parent or guardian,

(*a*) who is not a separate school supporter, into a residence that is assessed to the support of separate schools; or

(*b*) who is a separate school supporter, into a residence that is assessed to the support of public schools,

and the latest date upon which the assessment of the residence may be changed from,

(*c*) separate to public school support; or

(*d*) public to separate school support,

has passed, upon the filing of a notice of change of support for the following year with the clerk of the municipality, the child shall be admitted, without the payment of a fee, to a public or separate school, as the case may be, that will be supported by the assessment of the residence on the effective date of the change of school support. R.S.O. 1970, c. 385, s. 5 (2); R.S.O. 1970, c. 430, s. 25 (11), *amended*.

Resident pupil's right to attend more accessible school in adjoining school section or separate school zone

36. Where a resident pupil of a school section or separate school zone resides,

(*a*) more than two miles by the shortest distance by road from the school that the pupil is required to attend; or

(*b*) more than one-half mile by the shortest distance by road from any point from which transportation is provided to the school that the pupil is required to attend; and

(*c*) nearer by the shortest distance by road to another public school in another school section in the case of a public school pupil, or to another separate school in another separate school zone in the case of a separate school pupil, than to the school that the pupil is required to attend,

the pupil shall be admitted to the nearer public school or the nearer separate school, as the case may be, referred to in clause *c*, where the appropriate supervisory officer for the school section or separate school zone, as the case may be, in which such school is situate, certifies that there is sufficient accommodation for the pupil in such school, and where the pupil is admitted to such school, the board of the school section or separate school zone of which he is a resident pupil shall pay in respect of the pupil a fee calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (4); R.S.O. 1970, c. 430, s. 25 (14), *amended*.

Resident pupil secondary school qualification

37.—(1) A person is qualified to be a resident pupil in respect of a secondary school district if,

(*a*) he and his parent or guardian reside in the secondary school district; or

(*b*) he or his parent or guardian is assessed in the secondary school district,

(i) as an owner, or

(ii) for business assessment, or

(iii) as an owner and for business assessment,

for an amount that, when adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that second-

ary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or

(*c*) he resides in the secondary school district and is the owner or tenant of property therein that is separately assessed; or

(*d*) he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district or to a secondary school operated by another secondary school board to which the board of such secondary school district pays fees on his behalf. R.S.O. 1970, c. 425, s. 1, *part*; 1971, c. 68, s. 1; 1972, c. 75, s. 1, *amended*.

Resident pupil, secondary

(2) A person who is qualified to be a resident pupil in respect of a secondary school district is a resident pupil if he enrols in a secondary school operated by the board of the secondary school district or in a secondary school operated by another secondary school board to which the board of such secondary school district pays fees on his behalf. *New*.

Trainable retarded child

(3) Subsections 1 and 2 apply *mutatis mutandis* to a trainable retarded child in respect of a school division.

Metropolitan Area R.S.O. 1970, c. 295

(4) In subsection 3, school division includes the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*. *New*.

Admission of adult resident who is not a resident pupil

(5) Notwithstanding any general or special Act, a person who resides in a secondary school district and who, except as to residence, is qualified to be a resident pupil in another secondary school district shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which he resides if,

(*a*) the person has attained the age of eighteen years and has been promoted or transferred to a secondary school; and

(*b*) the appropriate supervisory officer certifies that there is adequate accommodation in the secondary school. 1972, c. 75, s. 17.

Limitation on right to attend without payment of fee

(6) Notwithstanding section 31, where a pupil,

(*a*) has completed elementary school; and

(*b*) has attended one or more secondary schools for a total of seven or more years,

the board of the secondary school that he attends may charge a fee calculated in accordance with the regulations. R.S.O. 1970, c. 425, s. 63 (5), *amended*.

Resident pupil

38.—(1) Subject to subsections 2 and 3, a resident pupil of a secondary school district has the right to attend any secondary school,

(*a*) that is more accessible to the pupil than any secondary school in the secondary school district of which he is a resident pupil;

(*b*) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is a resident pupil but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling;

(*c*) to take a program of study that includes the subject of French for French-speaking pupils in the intermediate or senior division and that is not available in the secondary school district of which he is a resident pupil, where such program of study is required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or

(*d*) to take a program in a French-language school or class if a French-language school or class is not provided by the board of the secondary school district of which he is a resident pupil. R.S.O. 1970, c. 425, s. 62 (2); 1972, c. 75, s. 16 (1).

Restrictions

(2) Subsection 1 applies to a resident pupil of a secondary school district only if the appropriate supervisory officer certifies that there is adequate accommodation for the pupil in the school. R.S.O. 1970, c. 425, s. 62 (4).

Where agreement between boards

(3) Clauses *b*, *c* and *d* of subsection 1 do not apply to a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under section 160 and the programs and subjects referred to in such clauses are offered in the schools covered by the agreement. R.S.O. 1970, c. 425, s. 62 (6); 1972, c. 75, s. 16 (2).

Admission of resident pupil from other district

39.—(1) A person who is qualified to be a resident pupil of a secondary school district and who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement

signed by his parent or guardian or by the pupil where the pupil is an adult, stating,

(*a*) the name of the secondary school district in respect of which he is qualified to be a resident pupil;

(*b*) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and

(*c*) the authority, under this Act, under which the pupil claims to have a right to attend the school. R.S.O. 1970, c. 425, s. 65 (1); 1972, c. 75, s. 18, *amended*.

Notice of admission

(2) The principal of the school shall forward the statement to the chief executive officer of the board that operates the school and, if the pupil is admitted, the chief executive officer of the board shall forthwith notify the chief executive officer of the board of the secondary school district of which the pupil is qualified to be a resident pupil of the fact of the admission and of the information included in the statement. R.S.O. 1970, c. 425, s. 65 (2), *amended*.

Admission to secondary school

40.—(1) Where a pupil has been promoted from elementary school, he shall be admitted to secondary school.

Idem

(2) A person who has not been promoted from elementary school shall be admitted to a secondary school if the principal of the secondary school has satisfied himself that the applicant is competent to undertake the work of the school. R.S.O. 1970, c. 425, s. 61 (1, 2), *amended*.

Where admission denied

(3) Where an applicant for admission to a secondary school under subsection 2 is denied admission by the principal, the applicant may appeal to the board and the board may, after a hearing, direct that the applicant be admitted or refused admission to a secondary school.

Alternative course or program

(4) Where the pupil has clearly demonstrated to the principal that he is not competent to undertake a particular course or program of studies, the principal shall not permit him to undertake such course or program, in which case the pupil may take a prerequisite course, or select with the approval of the principal an appropriate alternative course or program provided that, where the pupil is a minor, the consent of his parent or guardian has been obtained.

(5) A person is entitled to enrol in a course of study in an evening class if, in the opinion of the principal after due examination or other investigation, he is considered competent to undertake the desired course, but his admission to such course does not entitle him to be admitted to a day course. R.S.O. 1970, c. 425, s. 61 (3, 4, 5), *amended*. Admission to evening classes

41. Where, for any reason, one parent of a person is the sole support of the person, and that parent, Admission where one parent is sole support

(*a*) resides in Ontario;

(*b*) is not assessed for school purposes in Ontario; and

(*c*) boards the person in a residence that is not a children's boarding home as defined in *The Children's Boarding Homes Act*, R.S.O. 1970, c. 65

the person shall, if otherwise qualified to be a resident pupil, be deemed to be a resident pupil in respect of,

(*d*) a school section, if such residence is situate in the school section and is assessed to the support of public schools; or

(*e*) a separate school zone, if the person is a Roman Catholic and such residence is situate in the separate school zone and is assessed to the support of separate schools; or

(*f*) a secondary school district, if such residence is situate in the secondary school district and is assessed to the support of secondary schools. R.S.O. 1970, c. 385, s. 5 (6); R.S.O. 1970, c. 425, ss. 64 (4), 77 (3); R.S.O. 1970, c. 430, s. 25 (10), *amended*.

42.—(1) A person who resides in a school section, separate school zone or secondary school district in which his parent or guardian resides, on land that is exempt from taxation for school purposes, is not qualified to be a resident pupil of the school section, separate school zone or secondary school district, unless the person or his parent or guardian is assessed and pays taxes for school purposes in such school section, separate school zone or secondary school district. Tax exempt land

(2) A person who is otherwise qualified to attend an elementary or secondary school and who resides on land that is exempt from taxation for school purposes shall be admitted Resident on land exempt from taxation

to a school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the person in the school for the current year, and fees calculated in accordance with the regulations shall, except where the regulations provide otherwise in respect of such fees, be prepaid monthly by the person or by his parent or guardian. R.S.O. 1970, c. 425, s. 1, *part*; R.S.O. 1970, c. 430, s. 25 (16); 1971, c. 69, s. 1 (3), *part, amended.*

Admission of ward, etc., of children's aid society to an elementary school

43.—(1) A child who is a ward of a children's aid society or in the care of a children's aid society, and who is otherwise qualified to be admitted to an elementary school, shall be admitted without the payment of a fee to an elementary school operated by the board of the school section or separate school zone, as the case may be, in which the child resides. 1971, c. 69, s. 1 (1); 1971, c. 70, s. 1 (1), *amended.*

Admission of ward, etc., of children's aid society to a secondary school

(2) A child who is a ward of a children's aid society or in the care of a children's aid society, and who is otherwise qualified to be admitted to a secondary school, shall be admitted without the payment of a fee to a secondary school operated by the board of the secondary school district in which the child resides. 1971, c. 68, ss. 6 (1), 7 (1).

Where fee payable

44. Where a child who is in the custody of a corporation, society or person, has not the right under the other provisions of this Part to attend the school that the corporation, society or person elects that he attend, and the appropriate supervisory officer certifies that there is sufficient accommodation in such school for the current school year, the board that operates such school shall, where the child is otherwise qualified to attend such school, admit the child to the school upon the prepayment monthly by the corporation, society or person of a fee calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (9); R.S.O. 1970, c. 425, s. 64 (3); R.S.O. 1970, c. 430, s. 25 (9), *amended.*

Right of certain pupils to attend school in another jurisdiction

45.—(1) Where, on the 31st day of December, 1968, a pupil was enrolled in a public, separate or secondary school that he had a right to attend, and the school on and after the 1st day of January, 1969, is situated in a school division or a combined separate school zone, as the case may be, other than the school division or the combined separate school zone in which the pupil resides, the pupil has, in addition to any other right that he may have under this Act, subject to subsection 5 of section 37, the right to attend the school until he completes his education in the school.

Idem (2) Where any part of a school section, separate school zone or secondary school district, after the 1st day of January, 1969, forms part of a school division or a county or district combined separate school zone, as the case may be, other than the school division or county or district combined separate school zone in which the school that the pupils resident in such part had the right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the divisional boards concerned, or the county or district combined separate school boards concerned, as the case may be, agree to other arrangements for the accommodation of such pupils. R.S.O. 1970, c. 425, s. 43 (1, 2); R.S.O. 1970, c. 430, s. 92 (1, 2).

Idem (3) Where, on the 31st day of December, 1973, a pupil is enrolled in a public or secondary school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any right that he may have under this Act, subject to subsection 5 of section 37, the right to attend the school until he completes his education in the school, and the divisional boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils. 1973, c. 91, s. 4 (1).

Idem (4) Where, on the 31st day of December, 1973, a pupil is enrolled in a separate school that he has a right to attend and the school, on and after the 1st day of January, 1974, is situated in the area of jurisdiction of a separate school board other than the separate school board that has jurisdiction in the area in which the pupil resides, the pupil has, in addition to any other right that he may have under this Act, the right to attend the school until he completes his education in the school, and the separate school boards concerned may enter into an agreement in respect of the transportation to and from school of such pupils. 1973, c. 117, s. 4 (1).

Application (5) This section does not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. R.S.O. 1970, c. 425, s. 43 (3); R.S.O. 1970, c. 430, s. 92 (3).

Fees payable **46.**—(1) Where a resident pupil of a secondary school district attends a secondary school that he has a right to attend under subsection 1 of section 38, the board of the

secondary school district of which he is a resident pupil shall pay to the board that operates the secondary school attended by the pupil a fee calculated in accordance with the regulations. R.S.O. 1970, c. 425, s. 63 (2), *amended*.

Idem

(2) Where a resident pupil of a school division attends a public or secondary school in another school division under section 45, the divisional board of which he is a resident pupil shall pay to the divisional board that operates the school attended by the pupil a fee calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (15), *amended*.

Idem

(3) Where a separate school pupil resident in a county or district combined separate school zone attends a separate school in another combined separate school zone under section 45, the board of the combined separate school zone in which he resides shall pay to the combined separate school board that operates the separate school attended by the pupil a fee calculated in accordance with the regulations. R.S.O. 1970, c. 430, s. 25 (17), *amended*.

Admission of resident pupil to another school by reason of distance to school

(4) A child who resides with his parent or guardian in a residence that is assessed to the support of public schools and who may be excused from attendance under clause *c* of subsection 2 of section 20 may be admitted to a public school in another school section if the appropriate supervisory officer certifies that there is sufficient accommodation for him, and the board of the section in which the child resides shall pay to the board of the other school section a fee calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (3), *amended*.

Admission of non-resident pupils

(5) A board may admit to a school that it operates a person who, except as to residence, is qualified to attend such school, and may, at its discretion, require the payment by or on behalf of the person of a fee calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (14); R.S.O. 1970, c. 425, s. 62 (5), *amended*.

PART III

PUBLIC AND SECONDARY SCHOOLS

Tax Exemption of Separate School Supporters

Exemption of supporters of separate schools

47. Nothing in this Act authorizing the levying or collecting of taxes on property rateable for public school purposes applies to the supporters of Roman Catholic separate schools or Protestant separate schools, except that the taxable prop-

erty in respect of which a person gives notice under section 116 or 135 or under section 23 of *The Assessment Act* is not exempt from taxation for public school purposes imposed before the person becomes a separate school supporter in respect of such property. R.S.O. 1970, c. 385, s. 2, *amended*. R.S.O. 1970, c. 32

Religious Instruction

48.—(1) Subject to the regulations, a pupil shall be allowed to receive such religious instruction as his parent or guardian desires or, where the pupil is an adult, as he desires. Religious instruction

(2) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian, or by the pupil, where he is an adult. R.S.O. 1970, c. 385, s. 7, *amended*. Religious exercises

Visitors

49. A parent or guardian of a child attending a public or secondary school and a member of the board that operates the school may visit such school, and a member of the Assembly and a clergyman may visit a public and secondary school in his constituency or in the area where he has pastoral charge, as the case may be. R.S.O. 1970, c. 385, s. 8 (1), *amended*. Visitors

Divisional Boards

50.—(1) A school section or a secondary school district that is designated as such by the Minister on lands held by the Crown in right of Canada or Ontario or by an agency thereof, or on any lands that are exempt from taxation for school purposes, shall not be included in a school division. Application to schools on exempt land

(2) For divisional board purposes, the County of Essex includes Pelee Island. Essex county

(3) In respect of divisional boards of education, Territory without municipal organization deemed district municipality

(*a*) every school section in existence on the 31st day of December, 1968 that comprised only territory without municipal organization, except a school section established under section 67 or 68;

(*b*) any part of territory without municipal organization that on the 31st day of December, 1968 was part of a high school district but was not in a school section; and

(*c*) any part of territory without municipal organization that is designated by a regulation made under sub-

section 1 of section 52, or a predecessor thereof, as a district municipality or that is added to a school division without being so designated and that on the 31st day of December, 1968 was not in a school section or in a high school district,

shall be deemed to be a district municipality. R.S.O. 1970, c. 425, s. 27 (2-4), *amended*.

Powers and duties of divisional board re territory without municipal organization

51.—(1) Subject to subsection 2, the divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall, for public school purposes and for secondary school purposes, exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board, and with respect thereto and to the election of members of the divisional board all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 5 to 11 of section 65 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be apportioned to the property rateable for public school purposes and to the property rateable for secondary school purposes in such district municipality in the ratio that the assessment of such property rateable for public school purposes bears to the assessment of such property rateable for secondary school purposes, and shall be included in the levy imposed for school purposes on such property. R.S.O. 1970, c. 425, s. 27 (5); 1972, c. 136, s. 2, *amended*.

Parts of territory without municipal organization attached to municipality

(2) Except as provided in subsection 4, where any part of territory without municipal organization that is included in a school division is attached to a municipality for public school purposes or is deemed to be attached to a municipality for public and secondary school purposes, such part shall continue to be deemed to be attached to such municipality for the purposes of the divisional board, and the officers of such municipality shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to such part of territory without municipal organization that forms part of the school division as with respect to any part of the school division that is within the municipality, and the expenses incurred in connection therewith shall be apportioned to the property rateable for public school purposes and to the property rateable for secondary school purposes in such territory without municipal organization in the ratio that the assessment of such

property rateable for public school purposes bears to the assessment of such property rateable for secondary school purposes and shall be included in the levy imposed for school purposes on such property, but the divisional board may, by resolution passed before the 1st day of July in any year effective on the 1st day of January next following, a copy of which resolution shall be given forthwith to the Minister, the clerk of the municipality and the appropriate assessment commissioner, detach such territory from the municipality for school purposes and deem such territory to be a district municipality whereupon subsection 1 applies thereto. R.S.O. 1970, c. 425, s. 27 (7), *amended*.

Estimates to include expenses of collection, etc., and allowances to be made

(3) The divisional board in preparing estimates of the sums required to be raised under subsection 1 or 2 shall,

(*a*) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that it is estimated will not be collected during the year in such part of the territory without municipal organization;

(*b*) include the proper proportion of the salaries and expenses of the officers involved, having regard to the time spent by such officers on their duties under subsection 1 or 2; and

(*c*) include the cost of providing elections of members of the board in such territory. R.S.O. 1970, c. 385, s. 40 (2), *amended*.

Where attached territory not included with municipality for election

(4) Where any part of territory without municipal organization is attached to a municipality for public school purposes, or is deemed to be attached to a municipality for public and secondary school purposes, and such part is included, pursuant to subsection 9 of section 57, with one or more municipalities in a combined area for the election of one or more members of the divisional board and the combined area does not include the municipality to which such part is so attached, such part shall be deemed to be attached for election purposes to the municipality that has the greatest residential and farm assessment in the combined area according to the last revised assessment roll as adjusted by the latest assessment equalization factor applicable thereto for each such municipality, provided by the Minister, and the provisions of subsection 2 apply *mutatis mutandis*. R.S.O. 1970, c. 425, s. 27 (8); 1972, c. 1, s. 63 (1); 1972, c. 75, s. 6 (3).

Elections in improvement districts

(5) The secretary-treasurer of an improvement district that forms all or part of a school division, in each year in which an election for members of the divisional board is to be held,

shall provide for such election in the improvement district in the same manner as for the election of members of a divisional board in a municipality and shall have all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the election of members of a divisional board under *The Municipal Elections Act, 1972*. R.S.O. 1970, c. 425, s. 27 (9); 1972, c. 75, s. 6 (4), *amended*.

1972, c. 95

School divisions, formation and alteration

52.—(1) The Lieutenant Governor in Council may, by regulation,

(*a*) designate as a school division all or part of one or more municipalities, localities, counties, regional municipalities, district municipalities or territory without municipal organization or a combination thereof;

(*b*) assign a name, subject to subsections 4, 5, 6 and 7, to the divisional board of a school division;

(*c*) dissolve a board of a school division or school section;

(*d*) combine two or more adjoining school divisions to form one school division and provide that the board of the combined school division shall be a divisional board of education;

(*e*) alter the boundaries of a school division and, where any part of territory without municipal organization is attached to a school division, designate such part as a district municipality or attach it to a district municipality.

Adjustment of assets and liabilities on formation

(2) Upon the formation of a new school division,

(*a*) all lands and premises that become part of a new school division, including the personal property therein or thereon and that, on the last school day immediately prior to such formation, were used as school sites and vested in the board of a school division or school section affected by such formation, become vested in the board of such new school division, and no compensation or damages are payable in respect of such lands, premises and personal property;

(*b*) all debts, contracts, agreements and liabilities for which a board or former board was liable in respect of that portion of its area of jurisdiction that becomes part of a new school division become obligations of the board of such new school division unless otherwise determined under clause *c*;

(*c*) the boards affected by such formation shall, in respect of the area that becomes part of a new school division, adjust in such manner as may be agreed upon by such boards, the assets and liabilities of such boards as of the date of such formation, except the property referred to in clause *a*, and, where the boards are unable to agree, any matter in disagreement shall be referred by a board affected to the Ontario Municipal Board, whose decision is final;

(*d*) the Minister may, by order, provide for the first election of the divisional board of a new school division, for a new election, subject to subsections 4 to 8 of section 54, of the divisional board or board of a school section of an altered school division or school section, for the right of pupils affected by such formation to continue to attend schools that they were attending immediately prior to the formation and for any matter not specifically provided for in this section that he considers necessary or advisable to carry out the intent and purposes of this Part.

Dissolution of board

(3) No regulation made under this section has the effect of dissolving a board unless so provided in the regulation.

Name of board; defined city

(4) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in a defined city is "The Board of Education for the City of ....." (*inserting the name of the defined city*).

county

(5) The name of a divisional board that has jurisdiction in one county is "The..... County Board of Education" (*inserting the name of the county*).

regional municipality and counties

(6) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in,

(*a*) all or part of a regional municipality;

(*b*) all or parts of two or more counties; or

(*c*) all or part of a regional municipality and all or part of one or more counties,

is "The..... Board of Education" (*inserting the name assigned by the regulations*).

territorial districts

(7) The name of a divisional board that has jurisdiction in the territorial districts is "The..... Board of Education" (*inserting the name assigned by the regulations*). R.S.O. 1970, c. 425, ss. 28, 29, *part, amended.*

Divisional boards establishment

53.—(1) A divisional board of education shall be established in each school division, and the members of the board shall be elected and the board organized in accordance with sections 50 to 57. R.S.O. 1970, c. 425, s. 29, *part.*

Deemed public school section and secondary school district

(2) For the purposes of every Act, a school division shall be deemed to be a school section and a secondary school district. R.S.O. 1970, c. 425, s. 28, *part.*

Powers and duties

(3) Every divisional board is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon,

(*a*) a public school board for public school purposes; and

(*b*) a secondary school board for secondary school purposes. R.S.O. 1970, c. 425, s. 29, *part.*

Members to be trustees

(4) A member of a divisional board who is,

(*a*) elected by separate school electors; or

(*b*) appointed, in the case of a vacancy,

(i) by the remaining members elected to the divisional board by separate school electors, or

(ii) by a separate school board,

is a trustee for secondary school purposes only and shall not move, second or vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes. 1971, c. 68, s. 4, *amended.*

Trustees

(5) All members of a divisional board are trustees for the purposes of schools for trainable retarded children. R.S.O. 1970, c. 425, s. 72.

Alteration of boundaries: disposition of assets and liabilities

54.—(1) Where the boundaries of a school division are altered, except by reason of the formation of a new school division, all lands and premises that,

(*a*) are situate in an area that is added to a school section or secondary school district by such alteration;

(*b*) are used as school sites on the last school day preceding the effective date of such alteration; and

(*c*) immediately prior to the effective date of such alteration are vested in another board of education, public school board or secondary school board except a board appointed or formed under section 68,

shall, on and after such effective date, be vested without compensation, subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the board of the school section or secondary school district to which such area is added, and the boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

Employment contracts

(3) The employment contract of every employee of a board who, immediately before the effective date of the alteration of the boundaries of a school division, was required to perform his duties in a school that is vested under subsection 1 in the board of a school division, school section or secondary school district becomes an obligation of the board in which the school is vested.

Representation of municipalities detached and added to another school division

(4) Subject to subsection 8, where one or more municipalities are detached from a school division and attached to an adjoining school division and a member of the board of the school division from which the municipality or municipalities are detached resides in one such municipality and was elected by public school electors to represent such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such member shall, on the effective date of the attaching of the municipality or municipalities, cease to be a member of the board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

(*a*) to have been elected by public school electors to the board of the school division to which the municipality in which he resides is attached; and

(*b*) to represent on such board the municipality in which he resides and the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 9 of section 57 at the time of his election and that are also attached to such school division,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 9 of section 57 as a municipality or municipalities to be represented by one member to be elected by the public school electors.

Where board reduced by transfer of area

(5) Where one or more municipalities are detached from a school division and the number of members of the board of such school division elected by public school electors is reduced pursuant to subsection 4, for the remainder of the term of the board the number of members who remain on the board and who were elected by public school electors and the total number of members who remain on the board shall be deemed to be the number of members to be elected by public school electors under subsection 4 of section 57 and the total number of members determined under subsection 2 of section 57 respectively.

Representation of public school electors of municipality attached to school division

(6) Subject to subsection 8, where a municipality or part thereof is detached from a school division and attached to an adjoining school division, school section or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the enlarged school division, school section or secondary school district, the public school electors of such municipality or part shall be represented thereon by the member or members last elected thereto by the public school electors of the municipality, combination of municipalities or ward that adjoins the attached municipality or part and, where there are two or more such organized municipalities, combinations of municipalities or wards, the members of the board elected by public school electors shall, by resolution, determine which member or members shall represent the public school electors in the attached municipality or part for the remainder of the term of office of the board, but this subsection does not apply to the municipality or municipalities that will be represented by a member by virtue of subsection 4.

Representation of separate school supporters of municipality attached to school division

(7) Subject to subsection 8, where one or more municipalities or part or parts thereof are detached from a school division and attached to an adjoining school division or secondary school district, on the effective date thereof and for the remainder of the term of office of the board of the

enlarged school division or secondary school district, the separate school supporters in each such municipality or part shall be represented thereon by the member or members last elected thereto by the separate school electors in the area that adjoins such attached municipality and for which one or more members are elected to represent separate school supporters.

Where subss. 4, 6, 7 do not apply

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held in the year preceding the effective date on which the municipality, municipalities or part or parts thereof are attached to the adjoining school division, school section or secondary school district, as the case may be. 1973, c. 91, s. 1.

Composition of board for defined city, members elected by public school electors

55.—(1) Where a school division comprises only a defined city, the members to be elected to the divisional board by public school electors shall, except where the method of election is that provided under subsection 1 or 2 of section 56, be elected by a general vote of such electors, in which case the number of members shall be determined by the population of the municipality as follows, where the population is,

(*a*) less than 10,000, six members;

(*b*) 10,000 or more but less than 50,000, eight members;

(*c*) 50,000 or more but less than 100,000, ten members;

(*d*) 100,000 or more, twelve members. R.S.O. 1970, c. 385, s. 16 (2); R.S.O. 1970, c. 425, s. 37 (1), *amended*.

Change in number of members

(2) Where it becomes evident from the population of a defined city that the number of members of the divisional board to be elected by public school electors should be increased or decreased, at the next election of trustees the proper number of members shall be elected. R.S.O. 1970, c. 385, s. 16 (3), *amended*.

Members elected by separate school electors

(3) In addition to the members elected by the public school electors under subsection 1 or section 56, the separate school electors in the defined city shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected by the public school electors by the ratio of the residential and farm assessment of the property rateable for separate school purposes in the defined city to the residential and

farm assessment of the property rateable for public school purposes in the defined city, according to the latest revised collector's roll, but in no case shall the number of members to be elected under this subsection be fewer than two. R.S.O. 1970, c. 425, s. 37 (2), *amended*.

Clerk to make determination

(4) The clerk of the defined city shall make the determination under subsection 3 and shall send to the secretary of the divisional board, before the 1st day of September in the year of the election of the divisional board, a copy of the determination. 1972, c. 75, s. 10.

Election by separate school electors in defined city

(5) The members to be elected under subsection 3 shall be elected as provided in subsection 21 of section 57, which subsection applies *mutatis mutandis*. R.S.O. 1970, c. 425, s. 37 (3), *amended*.

Defined city divided into wards

56.—(1) The number of members to be elected by the public school electors of a defined city that is divided into wards may be two for each ward, elected by the electors of that ward. R.S.O. 1970, c. 385, s. 17 (1); 1972, c. 74, s. 4.

Where five or more wards

(2) Where a defined city is divided into five or more wards, the number of members to be elected by the public school electors may be one for each ward, elected by the electors of that ward. R.S.O. 1970, c. 385, s. 17 (2), *amended*.

Method of changing composition and election of board

(3) Subject to subsection 5, the number of members to be elected by the public school electors of a defined city that is divided into wards, and the method of their election, may be changed from the existing number and method to another number and method that is in accordance with section 55 or this section by resolution passed by majority vote of the members of the board who were elected by the public school electors, and upon notice thereof given by the chief executive officer of the board to the clerk of the defined city before the 1st day of July next preceding the election. R.S.O. 1970, c. 385, ss. 17 (3), 18 (1), *amended*.

Election of new board after change

(4) At the election next following the giving of the notice required under subsection 3, the proper number of members shall be elected. R.S.O. 1970, c. 385, s. 18 (3), *amended*.

Limitations on changing election

(5) A change in the method of election may not be made under this section unless the board has been elected by the existing method for at least the two preceding regular elections. R.S.O. 1970, c. 385, s. 18 (4), *amended*.

57.—(1) In this section, Interpretation

(*a*) "equalized residential and farm assessment" means the residential and farm assessment referred to in clause *b* as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister;

(*b*) "residential and farm assessment" means the residential and farm assessment upon which taxes are levied in the year in which,

(i) a determination referred to in this section is made, or

(ii) nominations are held,

as the case may be;

(*c*) the Town of Newcastle in The Regional Municipality of Durham shall be deemed to be a city. R.S.O. 1970, c. 425, s. 38 (1); 1972, c. 75, s. 11 (1-3), *amended*.

(2) Subject to subsections 4, 5 and 6, the number of members on a divisional board, except a divisional board of a defined city, shall be determined by the total population of the municipalities, not including any territory without municipal organization that is deemed a district municipality, within the school division, as follows, where the population is, Composition of board for other than defined city

(*a*) less than 50,000, fourteen members;

(*b*) 50,000 or more but less than 100,000, sixteen members;

(*c*) 100,000 or more but less than 150,000, eighteen members;

(*d*) 150,000 or more, twenty members,

provided that where a school division in the territorial districts comprises fewer than four municipalities, not including any territory without municipal organization that is deemed a district municipality, where the population of such municipalities in the school division is,

(*e*) less than 3,500, five members;

(*f*) 3,500 or more but less than 5,000, eight members; and

(*g*) 5,000 or more but less than 10,000, ten members.

Change in number of members

(3) Where it becomes evident from the population of the municipalities in a school division that the number of members on a divisional board should be increased or decreased in accordance with subsection 2, at the next election of members the proper number of members shall be elected.

Number of members to be elected by public school electors

(4) The public school electors of the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but in no case shall the number of members to be elected under this subsection be fewer than,

(*a*) six where the number of trustees under subsection 2 is fourteen or more; or

(*b*) four where the number of trustees under subsection 2 is fewer than fourteen.

Number of members to be elected by separate school electors

(5) The separate school electors in the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but where the product obtained is less than one, one member shall be elected under this subsection. R.S.O. 1970, c. 425, s. 38 (2-5).

Number of members to be elected by public school electors in a city and in county or district municipalities

(6) The number of members of a divisional board to be elected by the public school electors,

(*a*) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being

raised to the next higher integer, obtained by multiplying the number of members determined under subsection 4 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the city to the equalized residential and farm assessment of all the property rateable for public school purposes in the school division; and

(*b*) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause *a* for the city or cities, if any, but in no case shall the number of members to be elected under this clause be fewer than one. R.S.O. 1970, c. 425, s. 38 (6); 1972, c. 75, s. 11 (4).

When determination to be made under subss. 4-6

(7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(*a*) under subsections 4, 5 and 6 if,

(i) it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased, or

(ii) the boundaries of the school division are altered effective the 1st day of January next following the election, or

(iii) the boundaries of the school division have been altered subsequent to the latest determination;

(*b*) under subsection 6 if,

(i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

(*c*) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

Where city does not qualify for at least one member to be elected by public school electors

(8) Where a city is not entitled to one or more members under clause *a* of subsection 6, the city shall be deemed to be a county or district municipality for the purposes of subsections 6 and 9, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 9. R.S.O. 1970, c. 425, s. 38 (7, 8); 1973, c. 91, s. 3 (1), *amended*.

Distribution of members to be elected by public school electors in county or district municipalities

(9) With respect to,

(*a*) the county municipalities in a county that comprises a school division, the council of the county;

(*b*) the county municipalities in a regional municipality that are in a school division and the county municipalities in a school division that comprises a county and part of a regional municipality, the clerks of the three county municipalities having successively the greatest equalized residential and farm assessment for public school purposes in the school division; and

(*c*) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest equalized residential and farm assessment for public school purposes in the school division and the clerk of each town or village in which a secondary school is located in the school division and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination under this subsection provide for a member to be elected by a general vote of all the public school electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries

of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election. R.S.O. 1970, c. 425, s. 38 (9); 1972, c. 75, s. 11 (5, 6), *amended*.

Distribution of members within combined municipalities

(10) Where two or more county municipalities that are not in a regional municipality are combined under subsection 9 for the election of two or more members by the public school electors and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two members and, where the clerks of such combined municipalities so determine,

(*a*) the number of members to be elected by the public school electors of the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of such combined municipalities, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in each such combined area and in the remainder, if any, of such combined municipalities, bears to the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities; and

(*b*) where the remainder of a county municipality is to be represented by two or more members, subsections 21 and 22 apply *mutatis mutandis* in respect of such remainder.

Appeal from determination under subs. 10

(11) Where the determination made under subsection 10 apportions to a combined area or to the remainder of the combined municipalities a percentage of the total number of members to be elected by the public school electors of the combined municipalities as determined under subsection 9 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the combined area or the remainder of the combined municipalities, as the case may be, is of the total equalized residential and farm assessment of the property rateable for public school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be, may, within fifteen days after such determination has been made, appeal the determination to the judge who

shall either reapportion the number of members in accordance with clause *a* of subsection 10 or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final. 1972, c. 75, s. 11 (7).

When determination to be made

(12) The determination under subsection 9 shall be made before the 1st day of September, and the determination under subsection 10 may be made before the 15th day of September, in each year in which an election is to be held if,

(*a*) a determination is made in accordance with subsection 7; or

(*b*) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or

(*c*) the boundaries of the school division are altered, or are to be altered effective the 1st day of January next following the election. R.S.O. 1970, c. 425, s. 38 (10); 1972, c. 75, s. 11 (8); 1973, c. 91, s. 3 (2).

Where judge to make determination

(13) Where the determination under subsection 9 is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for public school purposes in the school division, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 14, and where, for any reason, the determination is not made before the 1st day of October, the election shall proceed on the basis of the latest determination. 1972, c. 75, s. 11 (9), *amended*.

Determination

(14) In determining under subsection 9,

(*a*) the number of members to be elected by the public school electors of a county or district municipality; or

(*b*) the county or district municipalities that are to be combined for the election of one or more members by the public school electors of such municipalities,

the council of the county or the clerks of the district municipalities, or the clerks of the county municipalities in a school division in a regional municipality, as the case may be, shall apportion the number of members determined under clause

b of subsection 6, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

Idem

(15) Notwithstanding subsection 14, where the equalized residential and farm assessment of the property rateable for separate school purposes in a school division in a territorial district is less than 5 per cent of the equalized residential and farm assessment of all the rateable property in the school division, and where the equalized residential and farm assessment of the property rateable for public school purposes in a district municipality, expressed as a percentage of the total residential and farm assessment of all such property in the district municipalities in the school division, differs by fifteen or more percentage points from the population of such municipality expressed as a percentage of the total population of all the district municipalities comprising the school division, the clerks of the district municipalities shall apportion the number of members determined under clause *b* of subsection 6, as nearly as is practicable, in the proportion that the population of a district municipality or combination of district municipalities bears to the total population of all the district municipalities comprising the school division, and the right of appeal as provided in subsection 16 applies, but shall be based upon population rather than equalized residential and farm assessment.

Appeal from determination

(16) Where the determination made under subsection 9 allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the judge who shall either reapportion the number of members in accordance with subsection 14 or, where he determines that the determination was made in accordance with subsection 14, confirm the determination, and his decision is final.

Information for determination

(17) The clerk of each city and of each county municipality, district municipality or regional municipality in a school division and the chief executive officer of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose. R.S.O. 1970, c. 425, s. 38 (12-15), *amended*.

By whom determination to be made

(18) The determinations required to be made under subsections 2, 4, 5, 6 and 24 shall be made in respect of a school division,

(*a*) in a county or in a county and part of a regional municipality, by the clerk of the county;

(*b*) entirely in a regional municipality, by the clerk of the regional municipality;

(*c*) in the territorial districts,

(i) by the clerk of the organized district municipality, or

(ii) where the school division does not include an organized district municipality, by the clerk of the city,

that has the greatest equalized residential and farm assessment for public school purposes in the school division,

and the clerk who makes such determinations shall send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,

(*d*) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 25, a copy of each of the determinations made under subsections 2, 4, 5, 6, 9, 24 and 25; and

(*e*) before the 1st day of October in each year in which a determination is made by the judge under subsection 13 or 25, a copy of the determination. R.S.O. 1970, c. 425, s. 38 (16); 1972, c. 75, s. 11 (10); 1972, c. 136, s. 4, *amended*.

Questions to be determined by judge

(19) The council of any municipality concerned and a divisional board on behalf of any territory without municipal organization that is deemed a district municipality may, within ten days of the mailing of the determination made under subsection 4, 5, 6 or 24, appeal to the judge with respect to the accuracy of the determination, and his decision is final, and the clerk responsible for making such determination shall make such changes in such determination as the judge requires.

New determination where former determination improper

(20) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 16 or 19, shall apply to the election next following such determination, and the divisional board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

Election by public school electors and by separate school electors

(21) The number of members to be elected in a municipality shall be elected by a general vote of the public school electors or separate school electors, as the case may be, in the municipality, provided that, where it is determined under this section that the number of members to be elected to the divisional board by the public school electors in a municipality or by the separate school electors in a municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such members by the public school electors or separate school electors, as the case may be, in each of such areas. R.S.O. 1970, c. 425, s. 38 (17-19).

Time for passing by-law

(22) A by-law for the purpose mentioned in subsection 21 and a by-law repealing any such by-law shall not be passed later than the 1st day of October in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remain in force until repealed. R.S.O. 1970, c. 425, s. 38 (20), *amended*.

Election by public school electors in county and district municipalities

(23) Where two or more county or district municipalities are combined for the election of one or more members, such member or members shall, except where a determination is made under subsection 10, be elected by a general vote of the public school electors of the combined municipalities, and where, under subsection 10 or 11, a portion of a county municipality is attached to one or more other county municipalities for the election of one or two members or the remainder of the combined municipalities comprises parts of two or more municipalities, the number of members apportioned thereto shall be elected by a general vote of the public school electors of such combined area or remainder, and,

(*a*) the nominations in each case shall be submitted to the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes of any municipality all of which is in the area for which the member or members are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(*b*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the result of the vote. 1972, c. 75, s. 11 (11).

Number of members to be elected by separate school electors in cities and county or district municipalities

(24) Where a school division includes one or more county or district municipalities and one or more cities, and the number of members to be elected by the separate school electors under subsection 5 exceeds one, the number of members to be elected by the separate school electors of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Distribution of members to be elected by separate school electors

(25) Where it is determined under subsection 5 or 24 that the number of members to be elected by the separate school electors of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 12, 13, 14 and 16, which subsections apply *mutatis mutandis*, except that,

(*a*) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and

(*b*) the reference in subsection 9 to the clerk of a town or village in which a secondary school is located in the school division shall be deemed to refer only to a town or village that is in a separate school zone. R.S.O. 1970, c. 425, s. 38 (22, 23).

Distribution of members within combined municipalities

(26) Where two or more county municipalities are combined for the election of two or more members to be elected by separate school electors, subsections 10 and 11 apply *mutatis mutandis* to such combination of municipalities except that the equalized residential and farm assessments of the property rateable for separate school purposes shall be used in all the determinations. 1972, c. 75, s. 11 (12).

Election of members by separate school electors

(27) Where the number of members,

(*a*) determined under subsection 5 is one, such member shall be elected by a general vote of the separate school electors of the school division; or

(*b*) to be elected by the separate school electors of the county or district municipalities under subsection 24 is one, such member shall be elected by a general vote of the separate school electors of the county or district municipalities in the school division. R.S.O. 1970, c. 425, s. 38 (24).

Idem

(28) Where,

(*a*) one member is to be elected by a general vote of the separate school electors of a school division or of the separate school electors of the county or district municipalities in a school division; or

(*b*) two or more municipalities are combined for the purpose of the election of one or more members by the separate school electors,

then,

(*c*) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the member or members are to be elected who shall send

to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(*d*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *c*, who shall prepare the final summary and announce the result of the vote. R.S.O. 1970, c. 425, s. 38 (25); 1972, c. 75, s. 11 (13).

Secretary of board deemed clerk for elections in areas deemed district municipalities

(29) For the purposes of clause *b* of subsection 23 and clause *d* of subsection 28, the secretary of the divisional board of a school division shall be the clerk of each part of territory without municipal organization that is deemed a district municipality in the school division. R.S.O. 1970, c. 425, s. 38 (26).

Elections

(30) The election of members of a divisional board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. 1972, c. 75, s. 11 (14).

Effect of boundary change on elections

(31) Where the boundaries of a school division are to be altered effective on the 1st day of January next following the election of members of the board of the school division, the boundaries of the school division shall be deemed to have been so altered for all purposes relating to such election. 1972, c. 136, s. 5.

Qualifications for nominators of candidates

(32) Every nominator of a candidate for the office of a member to be elected,

(*a*) by public school electors, shall be a public school elector; and

(*b*) by separate school electors, shall be a separate school elector. R.S.O. 1970, c. 425, s. 41, *amended*.

Boards of Education

Interpretation

58.—(1) In this section and in section 59, "board of education" means a board of education other than a divisional board of education. R.S.O. 1970, c. 425, s. 20.

Establishment and status of board

(2) A board of education may be established in a secondary school district that is not a school division to perform the duties of a secondary school board for the district and the duties of a public school board for the school section or sections situated within the boundaries of the district and, where a board of education is established, subsection 3 of section 53 applies, *mutatis mutandis*.

Name of board

(3) The name of a board of education that has jurisdiction in one municipality is "The Board of Education for the .....of....." (*inserting the name of the municipality*).

Idem

(4) The name of a board of education that has jurisdiction in more than one municipality is "The..... Board of Education" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1970, c. 425, s. 21, *amended*.

Members to be trustees

(5) A member of a board of education elected by separate school electors or, in the case of a vacancy, by the remaining members elected by separate school electors is a trustee for secondary school purposes only and shall not move, second or vote on a motion that affects public schools exclusively and all other members of a board of education are trustees for public and secondary school purposes. 1971, c. 68, s. 3, *amended*.

Assets, liabilities, etc.

(6) Upon the organization of a board of education,

(*a*) the secondary school board and all public school boards in the secondary school district are dissolved;

(*b*) all the property vested in such boards becomes vested in the board of education; and

(*c*) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education. R.S.O. 1970, c. 425, s. 22.

Composition of boards of education

59.—(1) Where a board of education is established for one municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 55, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school electors shall be,

(*a*) where the population of the municipality is 50,000 or more, not fewer than two; and

(*b*) where the population of the municipality is less than 50,000, not fewer than one. R.S.O. 1970, c. 425, s. 24 (1).

Qualifications for nominators of candidates

(2) Subsections 30 and 32 of section 57 apply *mutatis mutandis* to the nomination and election of candidates for members of a board of education. *New*.

District School Area Boards

School section to be district school area

60.—(1) On and after the 1st day of January, 1975, every school section that is in a territorial district but is not in a school division or designated as a school section under

section 68 is a district school area, and the board of each such school section is a public school board and shall be known as a district school area board.

Formation and alteration of district school area

(2) In respect of the territorial districts, the Lieutenant Governor in Council may, by regulation, on or before the 1st day of July in any year, to be effective on the 1st day of January next following,

(*a*) form any part thereof that is not in a school section into a district school area;

(*b*) combine two or more district school areas into one district school area;

(*c*) add a part thereof that is not in a school division to a district school area; or

(*d*) detach a portion thereof from one district school area and attach it to another district school area or form it into a new district school area.

Notification of assessment commissioner

(3) Where a district school area is formed or altered under subsection 2, the appropriate provincial supervisory officer shall notify the assessment commissioner concerned.

Effective date for election purposes

(4) Notwithstanding subsection 2, the formation or alteration of a district school area thereunder shall, for all purposes relating to the election of a board, be deemed to be effective on the 1st day of July in the year of such formation or alteration.

Arbitration

(5) Where the boundaries of a district school area are altered in accordance with clause *b* or *d* of subsection 2, the Minister shall, by order, provide for arbitration of the assets and liabilities of the boards concerned.

Name of board

(6) The board of a district school area is a corporation by the name of "The.....District School Area Board" (*inserting a name selected by the board and approved by the Minister*). *New.*

New district school areas

61.—(1) Where a district school area is formed under clause *b* of subsection 2 of section 60, upon the effective date of such formation the existing public school boards in the new district school area are dissolved, and, subject to subsection 5 of section 60,

(*a*) the property vested in such boards is vested in the new district school area board; and

(*b*) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the district school area board.

Alteration and formation: disposition of assets and liabilities

(2) Where the boundaries of a district school area are altered or a new district school area is formed under clause *d* of subsection 2 of section 60, upon the effective date of such alteration or formation, and, subject to subsection 5 of section 60,

(*a*) all real and personal property of the board situate in the part of the district school area that is detached is vested in the board of the district school area to which such part is attached, or in the board of the new district school area, as the case may be; and

(*b*) all debts, contracts, agreements and liabilities of the board in respect of the part of the district school area that is detached become obligations of the board of the district school area to which such part is attached or of the board of the new district school area, as the case may be. *New.*

Public school elector

62.—(1) In sections 62, 63 and 64, "public school elector" means in respect of territory without municipal organization, owners and tenants of property in such territory without municipal organization, including their spouses who are Canadian citizens or British subjects and of the full age of eighteen years and who are not separate school supporters.

Composition of board

(2) Subject to subsections 3 and 4, a district school area board shall be composed of three members.

Idem

(3) Where a school section that is to become a district school area on the 1st day of January, 1975, has a board of five members, the district school area board shall be composed of five members.

Increase in number of members

(4) Before the 1st day of July of an election year, the board of a district school area that is not an improvement district may, by resolution approved at a meeting of the public school electors, determine that the number of members to be elected shall be increased from three to five and, at the next following election, five members shall be elected.

Election year and term of office

(5) The election of members of the board of a district school area that is not an improvement district shall be held in the year 1974 and in every second year thereafter, and the members shall hold office for a term of two years except that,

new board in "off election year"

(*a*) where a new district school area is formed to take effect on the 1st day of January in the year 1976 or in any second year thereafter the first members of such board shall be elected in the year preceding such 1st day of January and shall hold office for one year; or

idem

(*b*) where the boundaries of a district school area are altered to take effect on the 1st day of January in the year 1976 or in any second year thereafter, a new district school area board shall be elected in the year preceding such 1st day of January, and the members so elected shall hold office for one year. *New.*

Elections and Meetings of Electors

Election date

63.—(1) Except as provided in section 64, a district school area board shall be elected at a meeting of the public school electors held on the first Monday in December in the year of an election at a time and place selected by the board.

Notice of meeting

(2) At least six days before a meeting under subsection 1 or 6, the secretary of the board shall post notice of the meeting in three or more of the most prominent places in the district school area and may advertise the meeting in such other manner as the board considers expedient.

Meeting

(3) Meetings of public school electors shall be conducted in the manner determined by the public school electors present at the meeting by a presiding officer selected by such electors, but the election of members of the board shall be by ballot, and the minutes of the meeting shall be recorded by a secretary selected by such electors.

First meeting

(4) The first meeting for the election of a board of a district school area formed or altered under subsection 2 of section 60 shall be held at a time and place named by a person, designated by the Minister, who shall make the necessary arrangements for the meeting.

Minutes to be sent to Ministry

(5) A correct copy of the minutes of every meeting of the public school electors, signed by the presiding officer and the secretary of the meeting, shall, within ten days after the meeting, be transmitted by the presiding officer to the Ministry.

Special meetings

(6) A special meeting of the public school electors shall be called by the secretary when directed by the board or upon the request in writing of five public school electors of the area, by posting notice of the meeting in three or more of the most prominent places in the district school area, and such notice shall include a clear statement of the date, time, place and objects of the meeting, and the meeting may be advertised in such other manner as is deemed necessary. *New.*

Declaration where right to vote objected to

(7) If objection is made to the right of a person in territory without municipal organization to vote at a meeting under this section, or at an election under section 64, the presiding officer or the returning officer, as the case may be, shall require the person to make the following declaration:

I, ..., declare and affirm that:

1. I am the owner (*or* tenant) of property in The ..... District School Area; *or*, I am the spouse of the owner (*or* tenant) of property in The ..... District School Area;

2. I am of the full age of eighteen years;

3. I am a Canadian citizen or British subject;

4. The property in respect of which I claim the right to vote is not assessed to the support of separate schools;

5. I have a right to vote at this election (*or* on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote. R.S.O. 1970, c. 385, s. 34 (7); 1971, c. 98, s. 4, Sched., par. 27, *amended.*

Election procedures

(8) Subsections 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19 and 20 of section 100 apply *mutatis mutandis* to an election under this section. *New.*

Elections

64.—(1) Notwithstanding section 63, before the 1st day of July in an election year, the board of a district school area may, by resolution approved at a meeting of the electors, determine that the board shall conduct the elections in the same manner as for the members of a divisional board of education, except that the members shall be elected by a general vote of the electors of the district school area and for such purposes subsection 1 of section 51 applies *mutatis mutandis* to the district area board and to the officers of such board.

Idem

(2) The board shall give notice of the determination made under subsection 1 to the electors in the same manner as provided in subsection 7 of section 63.

Idem

(3) Where a district school area comprises,

(*a*) a municipality other than an improvement district;

(*b*) a municipality and territory without municipal organization;

(*c*) all or part of two or more municipalities; or

(*d*) all or parts of two or more municipalities and territory without municipal organization,

the election of the board of such district school area shall be conducted under *The Municipal Elections Act, 1972*, and for the purposes of an election under this section in an improvement district or in territory without municipal organization the secretary of the board shall be the returning officer and shall perform all the duties that are required of a municipal clerk in relation to the election of members of a divisional board. *New.*

1972, c. 95

Powers and duties

65.—(1) The board of a district school area that includes territory without municipal organization shall, for public school purposes and in accordance with the regulations for community recreation purposes, exercise the powers and duties of a municipal council for such territory in respect of levying rates and collecting taxes, and the officers appointed by the board have the same powers and duties as similar officers in a municipality, and the expenses in connection therewith shall be raised by a levy imposed by the board on the property rateable for public school purposes in such territory without municipal organization. R.S.O. 1970, c. 385, s. 38 (1), *part, amended.*

Auditors and financial matters

(2) Subject to subsection 3, the provisions of sections 203, 204, 205 and 206 respecting auditors, debentures, estimates and apportionment apply *mutatis mutandis* in respect of a district school area and to the board thereof. R.S.O. 1970, c. 385, s. 38 (1), *part, amended.*

Rates in municipality

(3) Where a district school area includes a municipality, section 208 applies *mutatis mutandis* to the council of the municipality. *New.*

Debentures

(4) A district school area board in territory without municipal organization may not apply to the Ontario Municipal Board in respect of the issue of debentures for a permanent

improvement until such issue has been sanctioned at a special meeting of the public school electors. 1971, c. 69, s. 3, *amended*.

Collection of taxes

(5) The board of a district school area may appoint a tax collector who has in that part of the district school area that is not a municipality the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township. R.S.O. 1970, c. 385, s. 42 (1, 2); 1971, c. 69, s. 4, *amended*.

Return of arrears of taxes in unorganized territory

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the territorial district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

Entry in sheriff's book

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments of arrears thereafter

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof, and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When arrears to be paid to sheriff

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land for arrears

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same, as nearly as may be, as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

Where tax arrears procedures of R.S.O. 1970, c. 118 in effect

(11) Where the tax arrears procedures under *The Municipal Affairs Act* are in effect in a district school area, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. R.S.O. 1970, c. 385, s. 42 (3-8), *amended*.

Rates for first year to be levied on current assessment

(12) In the first year that any territory without municipal organization is included in a district school area, the rates for that year shall be levied on the assessment of the property in such territory made for that year. R.S.O. 1970, c. 425, s. 3 (5), *amended*.

District school area to be inactive

66.—(1) Where the number of public school pupils of compulsory school age residing in a district school area is fewer than ten and the board has ceased to operate a school, the Minister may declare the district school area inactive as of the 31st day of December in any year. R.S.O. 1970, c. 385, s. 43 (1); 1973, c. 37, s. 5, *amended*.

Accounts in inactive area

(2) When a district school area is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited, and forward to the Ministry the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund.

Board dissolved

(3) If the Minister is satisfied that the board has carried out its duties under subsection 2 he shall dissolve the board and the district school area shall cease to exist as of the date that the district school area was declared inactive under subsection 1.

Records to be forwarded to Ministry

(4) The records of the dissolved board of the district school area shall be filed as the Minister may direct and, for the purposes of this Act, the pupils resident in such area shall be deemed not to reside in a school section. R.S.O. 1970, c. 385, s. 43 (2-4), *amended*.

Certain school sections to cease to exist

(5) Every inactive school section the board of which was dissolved prior to the 1st day of January, 1975 shall cease to exist on the 1st day of January, 1975. *New*.

Closing of school by Minister

(6) Where in any district school area there are for two consecutive years fewer than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the area shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs. R.S.O. 1970, c. 385, s. 53 (3), *amended*.

Secondary Schools Outside School Divisions in Territorial Districts

In territorial districts

67.—(1) The Lieutenant Governor in Council may establish any area in the territorial districts that is not part of a school division as a secondary school district and may discontinue or decrease or increase the area of any such secondary school district and, if any such secondary school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board. R.S.O. 1970, c. 425, s. 2 (1).

Board in territorial districts outside school divisions

(2) Where a secondary school district is established under subsection 1, the Lieutenant Governor in Council may make regulations providing for,

(*a*) the formation and composition of a secondary school board;

(*b*) the apportionment of costs within the secondary school district; and

(*c*) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council. R.S.O. 1970, c. 425, s. 3 (1), *amended*.

Powers and duties

(3) The board shall exercise the powers and duties of a municipal council for that part of the secondary school district that comprises territory without municipal organization in respect of levying rates and collecting taxes for secondary school purposes, and the officers appointed by the board have the same powers and duties as similar officers in a municipality, and the expenses in connection therewith shall be raised by a levy imposed on the property rateable for secondary school purposes in such territory without municipal organization. R.S.O. 1970, c. 425, s. 3 (2, 4), *amended*.

Auditors and estimates

(4) The provisions of sections 203 and 205 respecting auditors and estimates apply *mutatis mutandis* to the board of a secondary school district established under this section.

Rates in municipality

(5) Where a secondary school district established under this section includes a municipality, section 208 applies *mutatis mutandis* to the council of the municipality.

Collection of taxes

(6) Subsections 5 to 12 of section 65 apply *mutatis mutandis* in respect of a secondary school district established under this section and to the board thereof.

Board of education

(7) The Lieutenant Governor in Council may establish a board of education for a secondary school district established under subsection 1, in which case the other provisions of this

section and subsections 5 and 6 of section 58 apply, *mutatis mutandis*, to the board of education for public school purposes and for secondary school purposes. R.S.O. 1970, c. 425, s. 2 (2), *amended*.

Boards on Tax Exempt Land

Public school on Crown lands

68.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school board on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a school section and may appoint as members of the board such persons as he considers proper, and the board so appointed is a body corporate by the name indicated in the order establishing the school section and has all the powers and duties of a divisional board for public school purposes. R.S.O. 1970, c. 385, s. 12 (1, 2), *amended*.

Secondary school on exempt land

(2) Where, in the opinion of the Minister, it is desirable to establish and maintain a secondary school board on lands held by the Crown in right of Canada or Ontario, or by an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may by order designate any portion of such lands as a secondary school district, and may appoint as members of the board such persons as he considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the secondary school district and has all the powers and duties of a divisional board for secondary school purposes.

Board of education on exempt land

(3) Where a secondary school district has been designated under subsection 2, the Minister may authorize the formation of a board of education for the district and may provide for the name of the board, its composition and the term or terms of office of the members thereof, and for all other purposes the provisions in respect of divisional boards apply to the board. R.S.O. 1970, c. 425, s. 4, *amended*.

Section not to be included in district school area or school division

(4) No school section or secondary school district designated under this section shall be included in a district school area or a school division. R.S.O. 1970, c. 385, s. 12 (3), *amended*.

Fee payable by non-resident

(5) Where a pupil attends a school that is operated by a board appointed under this section in a centre for the treatment of cerebral palsy, a crippled children's treatment centre, a hospital or a sanatorium and is not a resident pupil of such board, the board of which he is a resident pupil or is qualified to be a resident pupil shall pay to the board that operates the school a fee calculated under the regulations and, where he is not a resident pupil or qualified to be a resident pupil of a board and his cost of education is not payable by the

Minister under the regulations, his parent or guardian shall pay to the board that operates the school a fee fixed by such board, but such fee shall not be greater than the fee calculated under the regulations. R.S.O. 1970, c. 424, s. 72; 1972, c. 77, s. 32 (3), *amended*.

Schools for Trainable Retarded Children

69.—(1) In sections 69 to 78, Interpretation

(*a*) "committee" means an advisory committee on schools for trainable retarded children;

(*b*) "divisional board" means a divisional board of education and includes The Metropolitan Toronto School Board;

(*c*) "local association" means a parent's group that is affiliated with the Ontario Association for the Mentally Retarded and that operates within the area of jurisdiction of the board;

(*d*) "school division" includes the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*. R.S.O. 1970, c. 295

(2) For the purposes of sections 69 to 78, The Metropolitan Toronto School Board shall be deemed to be organized as a divisional board on the 1st day of January, 1969. R.S.O. 1970, c. 425, s. 69, *amended*. Metropolitan Toronto School Board

70.—(1) Subject to subsection 2, every divisional board shall provide adequate accommodation for the trainable retarded children who reside in the school division and shall establish and maintain a school or class for the trainable retarded children who are admitted under section 75. Provision of adequate accommodation

(2) A divisional board may, in lieu of establishing and maintaining a school or class for trainable retarded children, enter into an agreement with another divisional board to provide for the instruction of the trainable retarded children who reside in the school division of the first-mentioned board in a school or class for trainable retarded children under the jurisdiction of the other board and for the payment of fees in respect of such pupils. *New*. Agreement with other divisional board

(3) Where a child referred to in subsection 2 is admitted to or excluded from a school or class for trainable retarded children by the admissions board of the divisional board Admission deemed decision of sending board

that operates the school or class, such admission or exclusion shall be deemed to be a decision of an admissions board for the board of the school division in which the child resides. R.S.O. 1970, c. 425, s. 73, *part*.

Right to attend school

71.—(1) Subject to section 75, a trainable retarded child whose parent or guardian resides in a school division has the right to attend a school or class for trainable retarded children established by the board of the school division or provided under an agreement made under subsection 2 of section 70.

Admission of other children

(2) Subject to section 75, a divisional board may admit to a school for trainable retarded children operated by the board a child who does not have the right to attend such school under subsection 1. R.S.O. 1970, c. 425, s. 77 (1, 2), *amended*.

Advisory committee

72.—(1) A divisional board shall establish an advisory committee on schools for trainable retarded children.

Composition

(2) The committee shall consist of six members, of which,

(*a*) three shall be appointed by the divisional board from among its members; and

(*b*) three shall be appointed by the local association, or where there is more than one local association, three shall be appointed at a joint meeting of the associations concerned or, where there is no local association, three who are not members of the board shall be appointed by the board.

Qualifications of members

(3) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the divisional board.

Term of office

(4) The members of the committee shall hold office until the expiry of the term for which the members of the divisional board were elected.

Vacancies

(5) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the divisional board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant. R.S.O. 1970, c. 425, s. 73, *amended*.

Allowance

(6) The divisional board may pay to each member of the committee who is not a member of the divisional board an allowance in accordance with subsection 1 of section 164,

except that the maximum allowance shall be based upon the enrolment in schools or classes for trainable retarded children and subsection 5 of the said section 164 applies *mutatis mutandis* to such member. R.S.O. 1970, c. 425, s. 73 (6).

Quorum

73.—(1) A majority of the members of the committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

Chairman

(2) The members of the committee shall, at their first meeting, elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting.

Chairman voting

(3) On every motion, the chairman may vote with the other members of the committee, and any motion on which there is an equality of votes is lost.

Personnel and services available to committee

(4) The divisional board shall make available to the committee such personnel and services as the divisional board considers necessary for the proper functioning of the committee. R.S.O. 1970, c. 425, s. 74.

Powers of committee

74.—(1) The committee may make recommendations to the divisional board relating to matters affecting the establishment and development of programs, services and facilities in respect of trainable retarded children.

Right of committee to be heard

(2) Before making a decision on a recommendation of the committee, the divisional board shall provide an opportunity for the committee to be heard before the board and before any committee thereof to which the recommendation is referred. R.S.O. 1970, c. 425, s. 75, *amended*.

Admission or exclusion by admissions board

75.—(1) A child may be admitted to or excluded from a school or class for trainable retarded children operated by a divisional board only upon the decision of an admissions board consisting of,

(*a*) the principal in charge of the school or class for trainable retarded children;

(*b*) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the board;

(*c*) a supervisory officer designated by the divisional board that operates the school or, where such divisional board has not appointed a supervisory officer, a provincial supervisory officer designated by the Minister; and

(*d*) where all or part of the municipality in which the school is located is in a separate school zone, a supervisory officer designated by the separate school board having jurisdiction in such zone and, where such separate school board has not appointed a supervisory officer, a provincial supervisory officer designated by the Minister,

and the divisional board shall establish the procedures to be followed by the admissions board in respect of admission to or exclusion from a school or class for trainable retarded children, but such procedures shall provide for the parent or guardian of the child to make representations to the admissions board. R.S.O. 1970, c. 425, s. 77 (6); 1973, c. 91, s. 6, *amended*.

Chairman of admissions board

(2) The principal of the school to which the child seeks admission shall be the chairman of the admissions board. R.S.O. 1970, c. 425, s. 77 (7).

Operation of school for trainable retarded in Moosonee

76.—(1) The board of the district school area that was formerly School Section No. 1 of the unorganized Township of Moose in the Territorial District of Cochrane, may, with the approval of the Minister, establish and operate a school or class for trainable retarded children and, except as otherwise provided in this section, sections 70, 71, 72, 73, 74, 75, 77 and 78 apply *mutatis mutandis* in respect of such school or class.

Advisory committee

(2) Notwithstanding subsection 2 of section 70, the board that operates a school or class for trainable retarded children under subsection 1 shall establish an advisory committee for trainable retarded children consisting of,

(*a*) two members appointed by such board from among its members;

(*b*) one member appointed by the board of the Roman Catholic Separate School Board No. 1 of the Township of Moose in the Territorial District of Cochrane from among its members; and

(*c*) two members appointed by the local association or, where no local association has been established, two members appointed by the board that operates the school or class, who shall not be members of such board. 1972, c. 136, s. 6, *amended*.

Fees for non-resident pupils

77.—(1) Where a divisional board provides instruction in a school or class for trainable retarded children for a pupil whose parent or guardian does not reside in the school division, the board of the school division or secondary school district

in which his parent or guardian resides, shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with the regulations.

Fees where residence in school section and separate school zone

(2) Where a divisional board provides instruction in a school or class for trainable retarded children for a pupil whose parent or guardian does not reside in a school division or a secondary school district but does reside in a school section or in a separate school zone, the board of the school section or separate school zone of which the parent or guardian is a supporter shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with the regulations.

Admission of child resident on tax-exempt lands

(3) Where a child is admitted to a school or class for trainable retarded children but his parent or guardian is resident on lands that are exempt from taxation for school purposes and that have been designated by the Minister as a school section for which a board has been appointed under subsection 1 of section 68 or that have been designated a secondary school district for which a board has been appointed under subsection 2 of section 68, the board shall pay to the divisional board a fee calculated in accordance with the regulations. R.S.O. 1970, c. 425, s. 78, *amended*.

Boarding of pupils where daily transportation impracticable

78.—(1) Where a pupil resides in a school division with his parent or guardian in a residence from which daily transportation to a school or class for trainable retarded children that he has a right to attend is impracticable due to distance or terrain as certified by the appropriate supervisory officer of the school division in which the pupil resides, the board of the school division in which his parent or guardian resides may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends.

Idem

(2) Where a pupil resides in a school section or in a separate school zone, but not in a school division, with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the school section or separate school zone, the board of the school section or of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by

the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends.

Idem

(3) Where a pupil resides in a territorial district, but not in a school division, school section or separate school zone, with his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer of the divisional board of the school that he attends, the divisional board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends. R.S.O. 1970, c. 425, s. 79, *amended*.

Certification of attendance

(4) For the purpose of certifying attendance under subsections 1, 2 and 3, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. R.S.O. 1970, c. 424, s. 42 (8-14), *amended*.

PART IV

ROMAN CATHOLIC SEPARATE SCHOOLS

Application of Part

79. This Part applies to separate schools for Roman Catholics now or hereafter established and shall have the same effect as if this Part were a special Act respecting separate schools for Roman Catholics. R.S.O. 1970, c. 430, s. 16, *amended*.

Zones

Boundaries of zones

80.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Centre of zone

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centres where two or more schools

(3) Where a board operates two or more separate schools, there shall be a centre for each school.

(4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land. Centre where board owns land but does not operate school

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister, the clerks of the municipalities concerned and the chief executive officers of the divisional boards or the secretaries of public school boards affected, before the 30th day of September of the year in which the parcel was so approved. Centre where board does not operate school or own site

(6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated. Centres of combined zone

(7) Subject to section 82, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone. Rural and combined separate school zone

(8) Subject to section 82, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within, Urban separate school zone

(*a*) a township; or

(*b*) an urban municipality in which a separate school zone has not been established,

and that is within a radius of three miles from a centre in the urban municipality.

(9) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization. R.S.O. 1970, c. 430, s. 54 (1-8, 10), *amended*. Zones not to include organized and unorganized territory

81.—(1) For each separate school zone that includes part or all of a township or territory without municipal organization, the appropriate separate school supervisory officer shall, Maps and descriptions of zones

(*a*) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;

(*b*) describe each zone by indicating the name of the board, the centre of the zone, and the municipalities wholly or partly within the zone;

(*c*) where the boundary of a zone is altered, prepare a revised map and description;

(*d*) sign and date the original maps and description of each zone and retain them on file; and

(*e*) furnish,

(i) to each separate school board, a map or description of its zone,

(ii) to the township clerk and assessor or assessment commissioner, a map showing the zone boundaries and a description of each zone, and

(iii) to the chief executive officer of a divisional board or the appropriate supervisory officer for a public school board affected, a description of each separate school zone within the area of his jurisdiction.

Establishment of separate school in a portion of rural section

(2) Where a separate school has been established in a school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the supervisory officer of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the supervisory officer may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided in section 83.

Arbitrate assets and liabilities

(3) Where a separate school zone is established and the boundaries of adjoining separate school zones are thereby altered, the board concerned shall, in the manner provided in subsection 5, appoint a board of arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the board of arbitrators is final and binding.

Rates in unorganized territory in combined zone

(4) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is

responsible for the levying and collecting of rates for separate schools in the territory without municipal organization and the board and the council of the municipality may enter into an agreement providing for the officers of the municipality to levy and collect rates for separate schools in such territory without municipal organization. R.S.O. 1970, c. 430, s. 54 (11-13), *amended*.

Constitution of board of arbitrators

(5) The appropriate supervisory officer, a person chosen by the newly established board and a person chosen by each of the separate school boards, the boundaries of which have been altered, shall constitute a board of arbitrators. R.S.O. 1970, c. 430, s. 37 (2), *amended*.

Boundaries where zones overlap

82.—(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the appropriate supervisory officers shall, after they have consulted with the boards involved, determine a boundary between each of the zones in the township or territory. R.S.O. 1970, c. 430, s. 55 (1).

Failure to make determination

(2) Where more than one supervisory officer is involved in the determination under subsection 1, and the supervisory officers fail to make a determination, the matter shall be referred to the judge by the board concerned that has the greatest equalized assessment for separate school purposes. *New*.

When alteration effective

(3) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

Appeal

(4) A separate school board or a separate school supporter affected by the determination of the supervisory officer may appeal the determination to the judge before the 1st day of August following the determination.

All parts of zone to be adjoining

(5) The boundaries of a separate school zone as determined by the supervisory officer or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

Effect of change in boundaries

(6) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the supervisory officer or judge, shall be paid to the separate

school board of the zone to which the parcel of land is transferred. R.S.O. 1970, c. 430, s. 55 (2-5).

Formation and Discontinuance of Zones

Meeting to establish separate school zone

83.—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within a city, town, village, or a six-mile square area in one or more townships and not within an area designated by the regulations made under subsection 2 of section 103, may convene a public meeting of persons desiring to establish a separate school zone with centre therein. 1972, c. 76, s. 3, *amended*.

Procedure

(2) Where such a meeting is held, the persons present shall,

(*a*) elect a chairman and a secretary for the meeting;

(*b*) pass a motion determining the centre of the separate school zone to be established;

(*c*) where the zone to be established is in one or more townships, subject to clause *b* of subsection 5, select a name for the board;

(*d*) elect the required number of trustees; and

(*e*) require the chairman of the meeting to transmit notice in writing of the holding of the meeting and of the election of trustees to the clerks of the municipalities and to the chief executive officer of the divisional board or the secretary of the public school board, as the case may be, for the area in which the separate school zone is to be established designating by name and residence each of the persons elected as trustees. R.S.O. 1970, c. 430, s. 20 (1); 1972, c. 76, ss. 4 (1), *part*, 28, *part*, *amended*.

Certification

(3) Each of the officers receiving the notice shall certify thereon the date of its receipt, and shall transmit a copy of the notice so certified to the chairman of the meeting. *New*.

Notification

(4) The chairman of the meeting shall forthwith transmit the copy of the certified notice, a copy of the minutes of the meeting, and of the notice calling it, to,

(*a*) the Minister; and

(*b*) the appropriate assessment commissioner. 1972, c. 76, s. 4 (1), *part*, *amended*.

Corporate name

(5) On and after the transmission to the Minister of the

documents referred to in subsection 4, the separate school zone is established and the trustees named therein are a body corporate under the name,

(*a*) in the case of a city, town, or village, "The..... Roman Catholic Separate School Board" (*inserting the name of the city, town, or village, as the case may be*); or

(*b*) in the case of a portion of one or more townships, "The.....Roman Catholic Separate School Board" (*inserting the name selected under clause c of subsection 2 and approved by the Minister*). R.S.O. 1970, c. 430, s. 21 (3), *amended*.

In urban municipalities in wards

(6) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 91, the trustees shall be elected by general vote. R.S.O. 1970, c. 430, s. 20 (2).

Formation not rendered invalid by reason only of vacancy in office of trustee

(7) The formation of a separate school is not rendered invalid by reason only of a vacancy in the office of a trustee occurring before the trustees become a body corporate, provided that the vacancy is filled forthwith and the Minister is provided with the information required under clause *e* of subsection 2 in respect of the filling of the vacancy.

Roman Catholic deemed separate school elector

(8) For the purpose of qualifying to be elected as a trustee at a meeting to establish a separate school zone, a Roman Catholic who is otherwise qualified under subsection 1 of section 192 is deemed to be a separate school elector. *New*.

New zone in unorganized territory

84.—(1) Not fewer than,

(*a*) ten heads of families; or

(*b*) where the zone is to be united, effective on the 1st day of January in the following year, with one or more separate school zones to form a combined separate school zone, five heads of families,

being Roman Catholics and being householders or freeholders resident within territory without municipal organization that is not within an area designated by the regulations made under subsection 2 of section 103 may convene a public meeting of persons desiring to establish a separate school zone therein, and the provisions of subsections 2, 3, 4 and 8 of section 83 apply *mutatis mutandis*.

Corporate name

(2) On and after the transmission to the Minister of the documents referred to in subsection 4 of section 83, the

separate school zone is established and the trustees named therein are a body corporate under the name of, "The .....Roman Catholic Separate School Board" (*inserting the name selected under clause c of subsection 2 of section 83 and approved by the Minister*).

Powers of trustees

(3) The trustees elected at a meeting convened under subsection 1 have all the powers of a public school board in territory without municipal organization and are in all other respects subject to the provisions of this Act that apply to rural separate school boards.

Where school not united

(4) Where in any year a separate school zone is established by not fewer than five heads of families under clause *b* of subsection 1, the public meeting for the election of trustees shall be held before the 1st day of June in that year, and the only powers and duties of the separate school board so formed are to proceed in the same year to implement the provisions of section 87, and if the separate school zone is not united with one or more separate school zones to form a combined separate school zone before the 1st day of August in that year under section 87, the board is dissolved on that date. R.S.O. 1970, c. 430, s. 22 (1-3); 1972, c. 76, s. 5, *amended*.

Right to vote in year of establishment of zone

85. A Roman Catholic who is a householder or freeholder and of the full age of eighteen years and who desires to establish a separate school zone under section 83 or 84 is entitled, in the year in which the separate school zone is established, to vote on any matter relating to such separate school if,

(*a*) in the case of a separate school zone in one or more townships or in territory without municipal organization, he resides in the separate school zone; or

(*b*) in the case of an urban municipality, he resides in the municipality. R.S.O. 1970, c. 430, s. 24; 1971, c. 98, s. 4, Sched., par. 31, *amended*.

Legislative grants

86. On receipt by the Minister of the documents required under section 83 or 84 that a separate school zone has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sums as may be approved by the Lieutenant Governor in Council. R.S.O. 1970, c. 430, s. 22 (4), *amended*.

Formation of combined separate school zones in non-designated areas

87.—(1) A separate school board or five supporters of a separate school that is not within an area designated by the regulations made under subsection 2 of section 103 may,

before the 1st day of July in any year, hold a meeting of the supporters of such separate school to consider the question of uniting the separate school zone with one or more other separate school zones in such area to form a combined separate school zone and, where the majority of such supporters present at each such meeting who vote on the question, vote in favour of the union and of the adjustments referred to in subsection 2, each such board shall give notice of the decision, before the 1st day of August of the same year, to the Minister, the clerks of the municipalities affected, and the appropriate municipal assessors, and the combined separate school zone thus formed shall be deemed to be one zone for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one zone on the day of nomination for trustees of the combined separate school board.

Adjustment of rights

(2) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time.

Dissolution of boards

(3) When a combined separate school zone is formed, the board of each zone forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school zone.

Corporate name of trustees

(4) The trustees of a combined separate school board are a corporation by the name of "The.....Combined Roman Catholic Separate School Board" (*inserting the name selected by the board and approved by the Minister*). R.S.O. 1970, c. 430, s. 34 (1-4), *amended*.

Detaching school zone from combined school zone

88.—(1) Where, in an area not designated by the regulations made under subsection 2 of section 103, a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school zone from the combined separate school zone is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition.

Qualified voters detaching a separate school zone from a combined separate school zone

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre in the portion of the combined separate school zone that it is proposed to detach than any other centre.

When school zone detached

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the zone it is detached on the

1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school zone so detached shall be elected as provided in section 90 or 100, as the case may be.

Adjustment of assets, etc.

(4) Where a zone or zones is or are detached under this section, subsection 5 of section 81 applies *mutatis mutandis*, except that the combined separate school board and the board or boards of the zone or zones detached shall each appoint an arbitrator. R.S.O. 1970, c. 430, s. 35, *amended*.

Discontinuing board by a vote of the supporters

89.—(1) In an area not designated by the regulations made under subsection 2 of section 103, a separate school board or five supporters of such board may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the clerk of each municipality concerned and the secretary of any school board that may be affected thereby and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting.

Other conditions under which a separate school board is discontinued

(2) A separate school board is discontinued on the 31st day of December in any year,

(*a*) if, for any continuous four month period in a school year, after the year in which the board was established, the board,

(i) fails to operate a school, or

(ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause *c* of subsection 2 of section 20; or

(*b*) if no one is assessed as a separate school supporter in the separate school zone in relation to property in respect of which taxes are to be levied in the following year; or

(*c*) if the supporters fail to elect the required number of trustees in two successive regular elections.

(3) When a board is discontinued under subsection 2, the appropriate supervisory officer for separate schools shall forthwith notify the Minister, the clerks of the municipalities concerned and the secretaries of the public school boards affected thereby.

Settling accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Ministry of Treasury, Economics and Intergovernmental Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Records

(5) The records of a board that has been discontinued under this section shall be filed with the Ministry.

Boundaries to be revised

(6) The boundaries of the zones that are altered as a result of discontinuing a separate school zone shall be revised by the appropriate supervisory officer.

Sale of real property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the appropriate separate school supervisory officer is notified that an offer to purchase the real property has been made, he shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

Deposit of funds from sale

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Re-establishing a board

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the manner provided in section 83 or 84, and the funds that were deposited by the board that was discontinued shall be returned to the board. R.S.O. 1970, c. 430, s. 56, *amended*.

Urban Separate Schools

Election of trustees in urban municipalities by general vote

90.—(1) Except as provided in section 91, the trustees of an urban separate school board shall be elected by general vote for a term of two years. R.S.O. 1970, c. 430, s. 38 (1); 1972, c. 76, s. 7.

Number of trustees

(2) The number of trustees on an urban separate school board shall be determined by the population of the municipality as follows, where the population was,

(*a*) less than 10,000, six trustees;

(*b*) 10,000 or more but less than 50,000, eight trustees;

(*c*) 50,000 or more but less than 100,000, ten trustees;

(*d*) 100,000 or more, twelve trustees.

Change in number of trustees

(3) Where it becomes evident from the census of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected. R.S.O. 1970, c. 430, s. 38 (2, 3).

Urban municipality divided into wards

91.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, elected by the separate school electors of that ward for a term of two years. R.S.O. 1970, c. 430, s. 39 (1); 1972, c. 76, s. 8.

Where five or more wards

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward, elected by the separate school electors of that ward for a term of two years.

Change from election by wards to general vote

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 90. R.S.O. 1970, c. 430, s. 39 (2, 3).

Method of changing composition and election of board

92.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 91 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the electors of the separate schools of the urban municipality and has received the affirmative vote of a majority of the electors who voted on the resolution.

Election of new board after change

(2) At the election following an affirmative vote of a majority of the separate school electors who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until their successors are elected and the new board is organized.

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected by the existing method for at least the two preceding regular elections. R.S.O. 1970, c. 430, s. 40, *amended*. Limitation on changing method of election

93.—(1) The election of trustees of an urban separate school board shall be conducted in the same manner as municipal elections. R.S.O. 1970, c. 430, s. 44 (1), *amended*. Conduct of elections

(2) In urban municipalities every person who is a separate school elector is entitled to vote at the election of trustees of the separate schools. R.S.O. 1970, c. 430, s. 46, *amended*. Election of trustees, who may vote

94. *The Municipal Elections Act, 1972* applies *mutatis mutandis* to the election of trustees of an urban separate school board, except that the oath to be taken by a voter shall be: Application and form of oath 1972, c. 95

> You swear that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*);
>
> That you are of the full age of eighteen years;
>
> That you are a Roman Catholic separate school elector;
>
> That you have not voted before at this election;
>
> That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;
>
> So help you God.

R.S.O. 1970, c. 430, ss. 44 (4) (*e*), 45; 1971, c. 98, s. 4, Sched., par. 31; 1972, c. 76, s. 10 (2), *amended*.

95. Notwithstanding the provisions of this or any other Act, including *The Metropolitan Separate School Board Act, 1953*, a Roman Catholic who is not an owner or tenant as defined in *The Municipal Elections Act, 1972* but who, Residents other than supporters entitled to vote 1953, c. 119

(*a*) is a Canadian citizen or other British subject;

(*b*) is of the full age of eighteen years; and

(*c*) resides within a separate school zone,

and who wishes to be a separate school elector at an election may cause his name to be entered on the preliminary list of electors of the polling subdivision in which he resides as a separate school elector, and for such purpose is entitled to be enumerated as such and to have entered opposite his name on the preliminary list of electors for the polling subdivision in which he resides that he is a separate school elector and,

where the name of such person appears on the polling list, he shall be deemed to be a separate school elector for the purpose of voting at such election. 1972, c. 76, s. 11.

Where person residing out of urban municipality to vote

96. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. R.S.O. 1970, c. 430, s. 57.

Rural Separate Schools

Trustees' term of office

97.—(1) The board of a rural separate school shall consist of three trustees who, subject to subsection 3, shall be elected in the year 1974 and in every second year thereafter and shall hold office for two years. R.S.O. 1970, c. 430, s. 26, *amended*.

Term of office

(2) All trustees of a rural separate school board who hold office when the new board is organized in the year 1974 shall cease to hold office on the 31st day of December, 1974.

Where first election held in 1975

(3) Where the first election of a newly-established board is held in 1975 or in any second year thereafter, the trustees elected in such year shall hold office for one year. *New*.

Organization and quorum

(4) A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and by the appointment of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1970, c. 430, s. 30.

Regularity

(5) No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required under section 98 and at which at least two trustees are present. R.S.O. 1970, c. 430, s. 31.

Electors, qualifications

(6) Every householder or freeholder of the full age of eighteen years, who is a Canadian citizen or other British subject and who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1970, c. 430, s. 28 (1); 1971, c. 98, s. 4, Sched., par. 31, *amended*.

Idem

(7) Every person who is a Roman Catholic and is the spouse of a supporter of a rural separate school who is entitled to vote under subsection 6, and where elections are held under *The Municipal Elections Act, 1972*, every person who is a separate school elector in the area of jurisdiction of the

1972, c. 95

board of such school, is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. R.S.O. 1970, c. 430, s. 28 (2), *amended*.

Duties of rural boards:

98.—(1) It is the duty of every rural separate school board and it has power,

time and place of meetings

(*a*) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,

(i) filling any vacancy in the board,

(ii) the selection of a new school site,

(iii) the appointment of a school auditor, or

(iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

annual report

(*b*) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school moneys during such year, and signed by the chairman and by one or both of the school auditors. R.S.O. 1970, c. 430, s. 50 (3) (*a*, *c*).

Appointment of auditor by the Minister

(2) Where a rural separate school board neglects or the supporters at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1970, c. 430, s. 33, *amended*.

Appointment of collector

99.—(1) A separate school board in territory without municipal organization may appoint a person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person and may pay to the collector at the rate of not less than 5

and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board.

Powers and duties of collectors

(2) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township and subsections 6, 7, 8, 9 and 10 of section 65 apply *mutatis mutandis*. R.S.O. 1970, c. 430, s. 22 (5, 6), *amended*.

Annual meeting

100.—(1) A meeting of the supporters of a rural separate school for the purpose of electing trustees and for any other school purpose shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Idem

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, which shall be held on that day in each year thereafter until some other day is similarly named.

Organization of meeting

(3) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this section.

Order of business

(4) The business of the meeting may be conducted in the following order,

(*a*) receiving and dealing with the annual report of the trustees;

(*b*) receiving and dealing with the annual report of the auditors;

(*c*) appointing one or more auditors for the current year;

(*d*) electing a trustee or trustees to fill any vacancy or vacancies; and

(*e*) miscellaneous business.

Duties of presiding officer

(5) The presiding officer shall submit all motions to the meeting in the manner desired by the majority, and is entitled to vote on any motion, and,

(*a*) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(*b*) in the case of an equality of votes on a motion, the motion is lost.

Granting poll and proceedings in case of a poll

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee, the presiding officer shall forthwith grant the poll.

Entries in poll book

(7) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Form of ballot paper

(8) Ballot papers shall be pieces of plain white paper of uniform size.

Marking of ballot paper

(9) A voter shall mark his ballot,

(*a*) in the election of a trustee, by marking the name of the trustee thereon; and

(*b*) on a question, by marking the word "for" or "against" thereon.

Manner of voting

(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

Appointment of scrutineer

(11) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1970, c. 430, s. 29 (1-11), *amended*.

Declaration where right to vote objected to

(12) When an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the presiding officer shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote:

I, ..., declare,

(*a*) that I am a Roman Catholic and a householder or freeholder assessed to the support of .....; or
(*insert name of board*)

(*b*) that I am a Roman Catholic and the spouse of a supporter of .....; and
(*insert name of board*)

(*c*) that I am of the full age of eighteen years; and

(*d*) that as such supporter or spouse of a supporter I have the right to vote at this meeting.

R.S.O. 1970, c. 430, s. 29 (12); 1971, c. 98, s. 4, Sched., par. 31, *amended*.

When poll shall close

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at afternoon meetings

(14) When the meeting is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Counting votes, tie vote

(15) When the poll is closed, the presiding officer and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and,

(*a*) in the case of an equality of votes with respect to the election of two or more candidates, the presiding officer shall provide for drawing lots to determine which of the candidates is elected; and

(*b*) in the case of an equality of votes on a motion, the motion is lost.

Declaration of result

(16) In the case of an election of trustees, the presiding officer shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a motion he shall declare it carried or lost as the majority of votes is in favour of or against the motion.

Statement of result of poll

(17) A statement of the result of the vote shall be certified by the presiding officer and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

Secretary to transmit minutes to Ministry

(18) A correct copy of the minutes of every meeting, signed by the presiding officer and secretary of the meeting, shall be transmitted forthwith by the secretary to the Ministry.

Meetings called in default of first or annual meeting

(19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time, the appropriate separate school supervisory officer or any two supporters of the school may call a meeting by giving six days notice posted in at least three of the most public places in the locality in which the school is situate. R.S.O. 1970, c. 430, s. 29 (13-19), *amended*.

Validity of election

(20) No election under this section is invalid by reason of non-compliance with the provisions of this section as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this section, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1970, c. 430, s. 47.

Combined Separate Schools

Trustees

101.—(1) Where a combined separate school zone is formed or where another separate school zone is added to or detached from a combined separate school zone, the trustees in office shall retire on the 1st day of January following the election of trustees of the combined separate school zone and, subject to subsection 5, five trustees shall be elected by the supporters of the newly-created or altered combined separate school zone as provided in section 100, who shall hold office for two years and otherwise the provisions of section 97 apply. R.S.O. 1970, c. 430, s. 34 (6), *amended*.

Trustee in office until organization of new board

(2) Every trustee shall continue in office until his successor has been elected and the new board is organized. R.S.O. 1970, c. 430, ss. 34 (7), *part*, 42.

First trustees

(3) For the purpose of electing the first trustees for a combined separate school zone, the boards of the separate schools forming the combined separate school zone shall, before the 1st day of December, each appoint a person to a committee, which shall arrange for the election of trustees in accordance with section 93 or 100, as the case may be. R.S.O. 1970, c. 430, s. 34 (5), *amended*.

Trustees in combined separate school zone including urban municipality

(4) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have under section 90 and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone.

Resolution providing for trustees

(5) Notwithstanding subsections 1 and 4, the board of a combined separate school zone may be composed of such number of trustees, not fewer than five or more than nine, representing such municipalities or parts thereof, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed combined separate school zone, by the committee formed under subsection 3, and the board of the combined separate school zone shall be deemed to be an urban separate school board.

Election and term of office

(6) Where a resolution is passed under subsection 5, the trustees shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 93, 94 and 95 apply *mutatis mutandis*, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards.

Voters list for areas in combined zone

(7) Where one or more trustees represent two or more municipalities or parts thereof, or two or more municipalities or parts thereof and one or more separate school zones in territory without municipal organization, and the election is conducted under section 93, the provisions of subsection 21 of section 110 apply *mutatis mutandis*.

Copy of resolution to be sent to Minister

(8) The board or committee that passes a resolution under subsection 5 shall forthwith send a copy thereof to the Minister. R.S.O. 1970, c. 430, s. 34 (10-14), *amended*.

Electors' qualifications, urban combined separate school zone

(9) Every person,

(*a*) who resides in an urban municipality in an urban combined separate school zone and is entitled to vote at the election of trustees under section 94; or

(*b*) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 97 if the combined separate school zone were a rural separate school zone,

is entitled to vote at the election of trustees of the combined separate school zone and on any school question.

(10) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 97 is entitled to vote at the election of trustees of the combined separate school zone and, subject to subsection 7 of section 97, on any school question. R.S.O. 1970, c. 430, s. 34 (16, 17), *amended*. Electors' qualifications, rural combined separate school zone

Duties and Powers of Separate School Boards

102.—(1) It is the duty of a separate school board and it has power, Duties of board:

(*a*) to appoint, where required, one or more collectors of school fees or rate-bills, who may be members of the board, and who shall discharge all duties, have powers similar to those of like officers of a municipality, and be subject to the obligations of and the penalties applicable to such officers; appointment of officers

(*b*) where the board does not appoint a collector, to apply to the municipal council, on or before the 1st day of March in each year, for the levying and collecting of all rates for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board; collection of rates

(*c*) to appoint annually on or before the 1st day of December an auditor or auditors; appointment of auditors

(*d*) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money; and accounts

(*e*) to exercise all such other powers and perform all such other duties of boards as are applicable to public school boards, except where otherwise expressly provided in this Act. R.S.O. 1970, c. 430, s. 50 (1), *part*; 1971, c. 70, s. 2, *amended*. other powers and duties

(2) A separate school board may establish and maintain programs and courses of study in religious education for pupils in all schools under its jurisdiction. *New*. Religious education

County and District Combined Roman Catholic Separate School Zones

103.—(1) On and after the 1st day of January, 1969, the separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area designated by the regulations made under subsection 2 are united to form County and district combined separate school zones

a county or district combined separate school zone, as the case may be.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

(*a*) designating areas in Ontario in which the separate school zones whose centres are within the areas are to be united to form county or district combined separate school zones and designating the names of the areas;

(*b*) altering the boundaries of any such area;

(*c*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 103 to 115. R.S.O. 1970, c. 430, s. 81 (1, 2).

Establishment of boards

(3) A separate school board shall be established for each county and district combined separate school zone, and the trustees of the board shall be elected and the board organized in accordance with sections 110 to 112. R.S.O. 1970, c. 430, s. 84.

Separate school zones established after January 1, 1969

(4) Where the centre of a separate school zone established on or after the 1st day of January, 1969, is within an area designated by the regulations made under subsection 2, the separate school zone shall forthwith become a part of the county or district combined separate school zone in that area. R.S.O. 1970, c. 430, s. 81 (3); 1972, c. 76, s. 27, *amended*.

Meeting to establish separate school zone in designated area

104.—(1) Not fewer than five heads of families, being Roman Catholics and being householders or freeholders resident within a six-mile square area in an area designated by the regulations made under subsection 2 of section 103, may convene a public meeting of persons desiring to establish a separate school zone with its centre therein.

Procedure

(2) Where such a meeting is held, the persons present shall,

(*a*) elect a chairman and a secretary for the meeting;

(*b*) pass a motion determining the centre of the separate school zone to be established; and

(*c*) require the chairman of the meeting to send a copy of the motion to,

(i) the Minister,

(ii) the secretary of the county or district combined separate school board,

(iii) the secretary of the divisional board of education affected, and

(iv) the appropriate assessment commissioner,

and on and after the transmission to the Minister of a copy of the notice calling the meeting, a copy of the motion, and evidence that the persons required to be notified under clause *c* have been so notified, the separate school zone is established and becomes a part of the county or district combined separate school zone.

Trustees not elected at meeting

(3) No trustees shall be elected at the meeting. 1972, c. 76, s. 28, *part, amended*.

Zone deemed formed

105. Where a county or district combined separate school board acquires a site under subsection 3 of section 168 and operates a school on such site, a separate school zone having its centre as provided in subsection 2 of section 80 is deemed to have been established under subsection 2 of section 104 on the date on which final approval in respect of the construction or purchase of the school is given by the Minister for the purposes of legislative grant. 1972, c. 76, s. 28, *part, amended*.

Arbitration where boundaries of designated areas are altered

106.—(1) Where, on and after the 1st day of January, 1971, the boundaries of an area designated by the regulations under subsection 2 of section 103 are altered to include,

(*a*) one or more separate school zones established under section 83; or

(*b*) part or all of one or more separate school zones that form part or all of another county or district combined separate school zone,

each of the boards concerned shall appoint one arbitrator who, subject to subsection 2, shall forthwith value and adjust in an equitable manner the assets and liabilities of the boards affected by the alteration of the boundaries and the decision of the arbitrators is final and binding upon the boards concerned.

Appointment of additional arbitrator

(2) Where the number of arbitrators appointed under subsection 1 is an even number, the arbitrators so appointed shall appoint an additional arbitrator. *New*.

Referral to judge

(3) Where a majority of the arbitrators appointed under subsections 1 and 2 is unable to reach a decision on any matter, such matter shall be referred by the arbitrators to the judge whose decision is final. R.S.O. 1970, c. 430, s. 86 (5), *amended*.

Alteration of boundaries; disposition of assets and liabilities

107.—(1) Where the boundaries of an area designated by the regulations under subsection 2 of section 103 are altered, all lands and premises that,

(*a*) are situate in a municipality or part thereof or territory without municipal organization that is added to the designated area by such alteration;

(*b*) are used as separate schools on the last school day preceding the effective date of such alteration; and

(*c*) immediately prior to the effective date of such alteration are vested in a separate school board,

shall, on and after such effective date, be vested without compensation, but subject to all existing debts, contracts, agreements and liabilities that pertain to such lands and premises, in the county or district combined separate school board for the designated area to which the municipality or part thereof or territory without municipal organization is added, and the separate school boards concerned shall agree upon the disposition of all other property situate upon, or used in connection with, such lands and premises.

Dispute

(2) Any dispute as to the disposition of property under subsection 1 may be referred by one or more of the boards concerned to the Ontario Municipal Board, which shall determine the matters in dispute and its decision is final.

Employment contracts

(3) The employment contract of every employee of a separate school board who, immediately before the effective date of the alteration of the boundaries of an area designated by the regulations under subsection 2 of section 103 was required to perform his duties in a separate school that is vested under subsection 1 in the county or district combined separate school board for such designated area becomes an obligation of such county or district combined separate school board.

Transfer of trustee

(4) Subject to subsection 8, where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 103 and attached to an adjoining designated area and one trustee of the county or district combined separate school board for the designated area from which the municipality or municipalities are detached resides in one such municipality and was elected by the separate school electors of such municipality, whether or not the municipality was combined with one or more other municipalities for election purposes, such trustee shall, on the effective date of the attaching of the municipality or municipalities cease to be a trustee of the separate school board to which he was elected and shall on such date and for the remainder of his term of office be deemed,

(*a*) to have been elected by separate school electors of the county or district combined separate school board for the designated area to which the municipality in which he resides is attached; and

(*b*) to represent on such board the separate school electors of the municipality in which he resides and of the other municipality or municipalities, if any, that were combined therewith for election purposes under subsection 8 of section 110 at the time of his election and that are also attached to such designated area,

and for such period the municipality or combined municipalities so attached shall be deemed to have been determined under subsection 8 of section 110 as a municipality or combination of municipalities, as the case may be, to be represented by one trustee.

Number of trustees reduced

(5) Where one or more municipalities are detached from an area designated by the regulations under subsection 2 of section 103 and the number of trustees of the county or district combined separate school board for such area is reduced pursuant to subsection 4, for the remainder of the term of the board the number of trustees who remain on the board shall be deemed to be the number determined under subsection 2 of section 110.

Trustee to represent transferred area

(6) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization is detached from an area designated by the regulations under subsection 2 of section 103 and attached to an adjoining designated area or area of jurisdiction of an urban separate school board, on the effective date thereof and for the remainder of the term of office of the separate school board for the area that is enlarged, the separate school electors in such municipality or part or territory without municipal organization shall be represented by the trustee or trustees of the separate school board last elected in,

(*a*) the municipality, combination of municipalities or part or parts thereof or territory without municipal organization in the designated area; or

(*b*) the ward established for election of one or more trustees of the urban separate school board,

that adjoins such attached municipality or part or territory without municipal organization, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

Determination of trustee representation by enlarged board

(7) Subject to subsection 8, where a municipality or part thereof or territory without municipal organization that is attached to a designated area adjoins two or more municipalities in the designated area that are not combined for the purpose of electing one or more trustees, the county or district combined separate school board for the area that is enlarged shall, by resolution, determine the trustee or trustees who, for the remainder of the term of office of the board, shall represent the municipality or part or territory without municipal organization that is attached to the designated area, but this subsection does not apply to the municipality or municipalities that will be represented by a trustee by virtue of subsection 4.

Application of subss. 4, 6, 7

(8) Subsections 4, 6 and 7 do not apply where a regular election of the board is to be held before the effective date on which the municipality or municipalities or part or parts thereof or territory without municipal organization is attached.

Area added to Scarborough to be under Metropolitan Separate School Board 1973, c. 48

(9) The area added to the Borough of Scarborough by section 5 of *The Municipality of Metropolitan Toronto Amendment Act, 1973*, shall, on and after the 1st day of January, 1974, be part of the district of which the separate schools are administered by The Metropolitan Separate School Board. 1973, c. 117, s. 2.

Name of board in one county

108.—(1) A county combined separate school board that has jurisdiction in an area that includes only one county is a corporation by the name of "The..... County Roman Catholic Separate School Board" (*inserting the name of the county*). R.S.O. 1970, c. 430, s. 85 (1).

Name of county combined board

(2) A county combined separate school board that has jurisdiction in an area that includes two or more counties, or one county and a defined city is a corporation by the name of "The.....County Roman Catholic Separate School Board" (*inserting the names of the counties, the name of the city and of the county or a name selected by the board and approved by the Minister*). 1972, c. 76, s. 29.

Name of board in territorial districts

(3) A district combined separate school board that has jurisdiction in the territorial districts is a corporation by the name of "The.....Roman Catholic Separate School Board" (*inserting the name of the area designated by the regulations*).

Name of board in regional municipality

(4) Notwithstanding subsections 2 and 3 and except as provided in sections 114 and 115, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The..... Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1970, c. 430, s. 85 (3, 4).

Territory without municipal organization in zones deemed district municipalities

109.—(1) For district combined separate school purposes, every separate school zone that comprises only territory without municipal organization and whose centre is in an area designated by the regulations made under subsection 2 of section 103, and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under subsection 2 of section 103, shall be deemed to be a district municipality. R.S.O. 1970, c. 430, s. 80 (3).

Powers and duties of combined board re territory without municipal organization

(2) The board of a district combined separate school zone that includes territory without municipal organization that is deemed a district municipality for separate school purposes shall exercise the powers and duties of a municipal council for such district municipality in respect of preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the district combined separate school board and in respect of the preparation of a list of voters and the election of members of such board, and all the officers appointed by such board have the same powers and duties as similar officers in an organized municipality except that the provisions of subsections 5 to 11 of section 65 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the district combined separate school board on all property rateable for separate school purposes in such district municipality. R.S.O. 1970, c. 430, s. 80 (6), *amended*.

Duties of secretary of board re school support

(3) In respect of territory without municipal organization referred to in subsection 2 that is part of a school division, the secretary of the board of the school division shall exercise the powers and perform the duties of the clerk of a municipality under subsections 2*a* to 2*l* of section 516 of *The Municipal Act* for the purposes of the district combined separate school board. 1972, c. 137, s. 4 (2).

R.S.O. 1970, c. 284

Election in improvement district

(4) The secretary-treasurer of an improvement district that forms part of a district combined separate school zone, in each year in which an election for members of the district combined separate school board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality, and the secretary-treasurer of the improvement district shall be the clerk and returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the election of members of a district combined separate school board under *The Municipal Elections Act, 1972*. R.S.O. 1970, c. 430, s. 80 (7); 1972, c. 76, s. 26 (3), *amended*.

1972, c. 95

Interpretation

110.—(1) In this section,

(*a*) "equalized residential and farm assessment" means the residential and farm assessment referred to in clause *b*, as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister;

(*b*) "residential and farm assessment" means the residential and farm assessment upon which taxes are levied in the year in which a determination is made or the year in which nominations are held, as the case may be. R.S.O. 1970, c. 430, s. 90 (1); 1972, c. 76, s. 30 (1).

Composition of board

(2) Subject to subsection 4 and except where otherwise expressly provided, the number of trustees of a combined separate school board shall be determined by the population of the county or counties or of the area municipalities in a regional municipality in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is,

(*a*) less than 25,000, eight trustees;

(*b*) 25,000 or more but less than 45,000, ten trustees;

(*c*) 45,000 or more but less than 100,000, twelve trustees;

(*d*) 100,000 or more but less than 200,000, fourteen trustees;

(*e*) 200,000 or more, sixteen trustees.

Change in numbers of trustees

(3) Where it becomes evident from the population of the county or counties in a county combined separate school zone or of the municipalities all or part of which are in a district combined separate school zone that the number of trustees of the board should be increased or decreased in accordance with subsection 2, at the next regular election of trustees the proper number of trustees shall be elected.

Number of trustees to be elected in a combined zone

(4) In a county or district combined separate school zone, the number of trustees to be elected by the separate school electors,

(*a*) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of trustees determined under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the city to the equalized residential and farm assessment of all the property rateable for separate school purposes in the county or district combined separate school zone; and

(*b*) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause *a* for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

Determination under subs. 4 who to make

(5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsections 2, 3 and 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

When determination to be made

(6) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

(*a*) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered, effective the 1st day of January next following the election;

(*b*) if,

(i) the boundaries of one or more cities within the county or district combined separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest

determination made under subsection 4 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected effective the 1st day of January of the year next following the election; and

(*c*) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 15, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

Where a city does not qualify for at least one trustee

(7) Where a city is not entitled to one or more trustees under clause *a* of subsection 4, the city shall be deemed to be a county or district municipality for the purposes of subsection 4 or 8, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 8.

Distribution of trustees to be elected in county or district municipalities in combined zone

(8) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

(*a*) a determination is made in accordance with subsection 6; or

(*b*) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected

in the county or district municipalities shall the determination under this subsection provide for a trustee to be elected by a general vote of all the separate school electors of the county or district municipalities, and such determination is effective until a new determination is required under this subsection. R.S.O. 1970, c. 430, s. 90 (2-8), *amended*.

Distribution of members within combined municipalities

(9) Where two or more county municipalities that are not in a regional municipality are combined under subsection 8 for the election of two or more trustees and one of the combined municipalities has a population in excess of 75,000, the clerks of such combined municipalities may, before the 15th day of September in any year in which a determination is made under subsection 8, determine that a portion of a county municipality that is so combined be attached to one or more of the other county municipalities in the combination of municipalities for the election of one or two trustees and, where the clerks of such combined municipalities so determine,

(*a*) the number of trustees to be elected in the combined municipalities shall be apportioned among the combined areas formed under this subsection and the remainder, if any, of the county municipality, as nearly as is practicable in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in each such combined area and in the remainder, if any, of the county municipality, bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities; and

(*b*) where the remainder of the county municipality is to be represented by two or more trustees, subsections 17 and 18 apply *mutatis mutandis* in respect of such remainder.

Appeal from determination under subs. 9

(10) Where the determination made under subsection 9 apportions to a combined area or to the remainder of a county municipality a percentage of the total number of trustees to be elected in the combined municipalities as determined under subsection 8 that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the combined area or in the remainder of the county municipality, as the case may be, is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the combined municipalities, the council of a municipality all or part of which is in the combined area or part of which forms such remainder, as the case may be,

may, within fifteen days after notice of such determination has been sent, appeal the determination to the judge who shall either reapportion the number of trustees in accordance with clause *a* of subsection 9 or, where he determines that the determination was made in accordance with such clause, confirm the determination, and his decision is final. 1972, c. 76, s. 30 (2).

Where judge to make determination

(11) Where the determination under subsection 8 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 13, and his decision is final. R.S.O. 1970, c. 430, s. 90 (9).

Municipal clerk from each county to be on committee under subs. 8

(12) Where the separate school zones in two or more counties are combined to form a county combined separate school zone, and where the three clerks designated under subsection 8 do not include a clerk from each county in the county combined separate school zone, the clerk of the county municipality having the greatest equalized residential and farm assessment for separate school purposes in each such county not so represented shall act together with the clerks designated under subsection 8. R.S.O. 1970, c. 430, s. 90 (10); 1972, c. 76, s. 30 (3).

Determination

(13) In determining under subsection 8,

(*a*) the number of trustees to be elected by the separate school electors of a county or district municipality; or

(*b*) the county or district municipalities that are to be combined for the election of one or more trustees by the separate school electors of such municipalities,

the clerks of the county or district municipalities, as the case may be, shall apportion the number of trustees determined for a combined separate school zone under clause *b* of subsection 4, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone in the county or district municipalities in such zone, and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

Appeal from determination

(14) Where the determination made by the clerks of the county or district municipalities under subsection 8 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school electors of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the judge who, before the 1st day of October, shall either reapportion the number of trustees in accordance with subsection 13 or, where he determines that the determination was made in accordance with subsection 13, confirm the determination, and his decision is final.

Request by clerk for information

(15) On the request of the clerk of the county municipality or the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a combined separate school zone, the clerk of each city and of each county or district municipality and the secretary of the county or district combined separate school board shall provide the clerk of such county municipality or organized district municipality with the information required to make any determination under this section.

Mailing of determination under subss. 8, 14

(16) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone shall send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board,

(*a*) before the 1st day of September in each year in which it is determined under subsection 3 that the number of trustees of the board should be increased or decreased or in which a determination is made under subsection 8, a copy of the determination made under subsection 8; and

(*b*) before the 1st day of October in each year in which a determination is made by the judge under subsection 11 or 14 a copy of the determination.

Appeal and decisions of judge

(17) The council of any municipality concerned and a district combined separate school board on behalf of any territory without municipal organization may, within ten days of the mailing of the determination made under subsection 4, appeal to the judge with respect to the accuracy of the determination, and the judge shall either vary or confirm the determination, and his decision is final, and the clerk of the county or district municipality responsible under subsection 5 for making such determination shall make the changes required by the judge and shall send a copy of the decision by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board.

New determination where former determination improper

(18) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 14 or 17, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

Where election by general vote and where by areas

(19) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the separate school electors of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school electors in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school electors in each of such areas. R.S.O. 1970, c. 430, s. 90 (11-17).

Time for passing by-law

(20) A by-law for the purpose mentioned in subsection 19 and a by-law repealing any such by-law shall not be passed later than the 1st day of October in the year of the election

and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed. R.S.O. 1970, c. 425, s. 38 (20); R.S.O. 1970, c. 430, s. 90 (18).

Elections in combined areas

(21) Where two or more county or district municipalities are combined for the election of one or more trustees, such trustee or trustees shall, except where a determination is made under subsection 9, be elected by a general vote of the separate school electors of the combined municipalities, and where, under subsection 9 or 10 a portion of a county municipality is attached to one or more other county municipalities for the election of one or two trustees, such trustee or trustees shall be elected by a general vote of the separate school electors of such combined area, and,

(*a*) the nominations in each case shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes of any municipality all of which is in the area for which the trustee or trustees are to be elected, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(*b*) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote. 1972, c. 76, s. 30 (4).

Secretary of board deemed clerk for elections in areas deemed district municipalities

(22) For the purposes of clause *b* of subsection 21, the secretary of the district combined separate school board shall be the clerk of each part of territory without municipal organization in the district combined separate school zone that is deemed to be a district municipality for separate school purposes. R.S.O. 1970, c. 430, s. 90 (20).

Elections

(23) The election of trustees of a county or district combined separate school board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality. 1972, c. 76, s. 30 (5).

Effect of boundary change on election

111. Where the boundaries of an area designated by the regulations under subsection 2 of section 103 in respect of a county or district combined separate school board are to be altered effective on the 1st day of January next following

the election of trustees of the board, the boundaries of such area shall be deemed to have been altered for all purposes relating to such election. 1972, c. 137, s. 5.

Number of votes to be cast

112.—(1) Every person in a municipality or in a part thereof or in a combination of municipalities who is qualified to vote for trustees of a separate school board under sections 103 to 115 is entitled to as many votes as there are trustees to be elected in such municipality or part or combination of municipalities, but may not give more than one vote to any one candidate.

Retiring trustees eligible for re-election

(2) A trustee of a county or district combined separate school board is eligible for re-election if otherwise qualified.

Qualifications for nominators of candidates

(3) Every nominator of a candidate for the office of a trustee to be elected to a separate school board under sections 103 to 115 shall be a separate school elector.

Person not to be candidate for more than one seat on board

(4) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a trustee of the board by reason of the election, and his seat or seats are thereby vacated. R.S.O. 1970, c. 430, s. 91 (1-4), *amended*.

Election to fill vacancy

1972, c. 95

(5) A separate school board under sections 103 to 115 may require that an election be held to fill a vacancy on the board and, where an election is held, the provisions of *The Municipal Elections Act, 1972* that pertain to an election to fill a vacancy apply. 1972, c. 76, s. 31.

Ottawa separate school zone

113.—(1) On and after the 1st day of January, 1970, the cities of Vanier and Ottawa and the Village of Rockcliffe Park are united to form a county combined separate school zone under sections 103 to 115.

Ottawa Board

(2) A separate school board shall be established for such combined separate school zone which shall be a corporation by the name of "The Ottawa Roman Catholic Separate School Board" and shall consist of sixteen trustees.

Number of trustees to be elected in Ottawa and Rockcliffe Park

(3) The number of trustees to be elected by the separate school electors in the area comprising the City of Ottawa and the Village of Rockcliffe Park shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying sixteen by the ratio of the equalized residential and farm

assessment of the property rateable for separate school purposes in the City of Ottawa and the Village of Rockcliffe Park to the equalized residential and farm assessment of all the property rateable for separate school purposes in the combined separate school zone, and such trustees shall be elected by general vote.

Vanier

(4) The number of trustees to be elected by the separate school electors in the City of Vanier shall be sixteen, less the number determined under subsection 3, and such trustees shall be elected by general vote, but in no case shall the number of trustees elected under this subsection be fewer than one.

Election of trustees, term of office

(5) Commencing in the year 1969, the trustees of The Ottawa Roman Catholic Separate School Board shall be elected at the same time and place and for the same term of office as the members of The Ottawa Board of Education, and the nomination of candidates for the offices of trustees to be elected by the separate school electors in the City of Ottawa and the Village of Rockcliffe Park shall be submitted to the returning officer of the City of Ottawa, and the clerk of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote.

Application of ss. 103-115

(6) Except where inconsistent with this section, the other provisions of sections 103 to 115 in respect of county combined separate school boards apply *mutatis mutandis* to the board established under subsection 2. R.S.O. 1970, c. 430, s. 82, *amended*.

Carleton combined separate school zone

114.—(1) On and after the 1st day of January, 1969, the separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area municipality as defined in *The Regional Municipality of Ottawa-Carleton Act*, except the cities of Vanier and Ottawa and the Village of Rockcliffe Park, are united to form a county combined separate school zone.

R.S.O. 1970, c. 407

Carleton Board

(2) A separate school board shall be established for such county combined separate school zone which shall be a corporation by the name of "The Carleton Roman Catholic Separate School Board".

Election of trustees, term of office

(3) The trustees of The Carleton Roman Catholic Separate School Board shall be elected at the same time and for the same term of office as the members of The Carleton Board of Education.

Application of Act to Carleton Board

(4) Except as provided in this section, all the provisions of this Act respecting county combined separate school boards apply to The Carleton Roman Catholic Separate School Board. R.S.O. 1970, c. 430, s. 83.

Part of Ottawa-Carleton deemed county

R.S.O. 1970, c. 407

(5) For county combined separate school purposes, the area municipalities as defined in *The Regional Municipality of Ottawa-Carleton Act*, except the cities of Ottawa and Vanier and the Village of Rockcliffe Park, shall be deemed to be a county. R.S.O. 1970, c. 430, s. 80 (2).

Essex county

115.—(1) For county combined separate school purposes, the County of Essex does not include the City of Windsor. R.S.O. 1970, c. 430, s. 80 (4); 1972, c. 76, s. 26 (2).

Application of ss. 203, 204

(2) Sections 203 and 204 apply *mutatis mutandis* to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor. R.S.O. 1970, c. 430, s. 80 (5).

Rates, Borrowing Powers and Grants

Exemption of supporters from public school rates

116.—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

No renewal required

(2) The notice is not required to be renewed annually.

Who may be supporters of separate schools

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone. R.S.O. 1970, c. 430, s. 53 (1-3), *amended*.

Rights of non-residents to be assessed for separate school

(4) Any person who, if he were resident in a separate school zone, would be entitled to be a supporter of a separate school and who is the owner of unoccupied land situate in the separate school zone, may, on or before the 30th day of September in any year, by written notice to the clerk of the municipality in which the land is situate or, where the land is not in a municipality, to the secretaries of the public and separate school boards, direct that all such land in the separate school zone shall be assessed for the purposes of the separate school. 1972, c. 76, s. 16.

(5) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof. Certificate of notice

(6) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than $100. Penalty for wilful false statements in notice

(7) Nothing in this section exempts any person from paying any rate for public school purposes imposed before the establishment of the separate school zone. R.S.O. 1970, c. 430, s. 53 (5-7), *amended*. As to rates imposed before separate school established

117.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year, Notice of withdrawal of support

(*a*) where the separate school is situated in a municipality, to the clerk of the municipality; or

(*b*) where the separate school is situated in territory without municipal organization,

(i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or

(ii) if he does not reside in a school section, to the secretary of the separate school board,

otherwise he shall be deemed to be a supporter of the separate school.

(2) A person who withdraws his support from a Roman Catholic separate school is not exempt from paying rates for separate school purposes imposed before the date on which the withdrawal of such support is effective. R.S.O. 1970, c. 430, s. 59. Exception

118.—(1) Where a person resides in a separate school zone and is a separate school supporter in such zone but his residence is situate in a municipality other than a municipality in which a centre of such zone is located, he is liable to pay and shall pay the separate school rates or taxes imposed by the board of the separate school of which he is a Liability of non-resident supporter

supporter upon property that is situate in such zone and that he occupies as owner or tenant or that is unoccupied and owned by him, and he is not liable to pay rates or taxes to any other separate school board in respect of such property.

How enforceable

(2) The board of the school of which he is a supporter shall notify the clerk of the municipality in which such supporter resides of the amount of the school taxes or rates payable by him, and the same shall be collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1970, c. 430, s. 58, *amended*.

Clerk to keep index book

119.—(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 116, 122 and 123 or by former Acts respecting separate schools.

Entries

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 117, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the Assessment Review Court, by a judge, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.

Inspection

(3) The index book shall be open to inspection by any ratepayer.

Filings

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received. R.S.O. 1970, c. 430, s. 60 (1-4).

Clerk to be guided by index book

(5) The clerk and the appropriate assessment commissioner shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. R.S.O. 1970, c. 430, s. 60 (5); 1972, c. 76, s. 17, *amended*.

Correction of mistakes in assessing R.S.O. 1970, c. 32

120.—(1) If it appears to the council of any municipality after the final revision of the list supplied to the clerk under section 23 of *The Assessment Act* that through mistake or inadvertance a ratepayer has been entered on the list either as a supporter of separate schools or as a supporter of public schools, the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board, but the council is not competent to reverse the decision of the Assessment Review Court, a judge, the Ontario Municipal Board or the Court of Appeal on appeal. R.S.O. 1970, c. 430, s. 61 (1); 1972, c. 76, s. 18.

(2) In case of such action by a council, the ratepayer is liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1970, c. 430, s. 61 (2). Liability

121.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes. Distinguishing the school rates

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1970, c. 430, s. 62. Idem

122.—(1) The occupant or tenant of land shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision. Case of owner and occupant

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1970, c. 430, s. 63. When owner may exercise option

123.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of the separate school. R.S.O. 1970, c. 430, s. 64 (1). Right of corporation to support separate schools; R.S.O. 1970, c. 32

(2) The clerk shall thereupon enter the corporation as a separate school supporter in the collector's roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the Duty of clerk

remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. R.S.O. 1970, c. 430, s. 64 (2); 1972, c. 76, s. 20 (1).

How proportions settled

(3) Unless all the stock or shares are held by Roman Catholics, the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of notice

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly. R.S.O. 1970, c. 430, s. 64 (3, 4).

Filing notice

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect a collector's roll. R.S.O. 1970, c. 430, s. 64 (5); 1972, c. 76, s. 26 (20).

Search for notices
R.S.O. 1970, c. 32

(6) The clerk shall in each year, before the final revision of the list supplied to the clerk under section 23 of *The Assessment Act*, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1970, c. 430, s. 64 (6); 1972, c. 76, s. 20 (3).

Estimates

124.—(1) Every separate school board shall prepare and adopt estimates of all sums required during the year for separate school purposes, and the provisions of section 205 in respect of the preparation and adoption of the estimates of all sums required for public school purposes by a divisional board of a school division apply, *mutatis mutandis*, to a separate school board for separate school purposes.

Where cost of separate levy payable by board

(2) Where rates or taxes in respect of separate schools are levied and collected by the council of a municipality under section 130 and the separate school board is unable in any year to submit to the council on or before the 1st day of March the rates required by the separate school board to be levied and collected in the municipality for separate school purposes, the later submission thereof does not relieve the council of its duty under section 130 to levy and collect such rates, and, where the municipality is required, by reason

of such later submission, to levy such rates by a separate levy from the amount levied for municipal purposes, the separate school board on the request of the treasurer of the municipality shall pay to the treasurer the cost of levying such rates.

Application of R.S.O. 1970, c. 284, s. 307(5)

(3) Subsection 5 of section 307 of *The Municipal Act* does not apply to a separate school board. 1972, c. 137, s. 3.

Powers of trustees

125.—(1) The board of a separate school may in respect of the estimates adopted under section 124 impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities. R.S.O. 1970, c. 430, s. 66 (1); 1972, c. 76, s. 22.

Land on which there are rates uncollected

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return

(3) The clerk shall make a return of such land and the arrears of separate school rates thereon to the appropriate municipal treasurer.

Collection of rates

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency

(5) The council of the township, village, town or city in which the separate school zone is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1970, c. 430, s. 66.

Levy for costs for transportation and board and lodging of secondary school pupils not resident in secondary school district

126. Where some of the supporters in a separate school zone reside in a municipality or in territory without municipal organization and in a secondary school district and other supporters in the separate school zone reside in another municipality or in territory without municipal organization and not in a secondary school district, and the separate school board,

(*a*) provides daily transportation; or

(*b*) reimburses the parents or guardians for the cost of board, lodging and transportation once a week under subsection 10 of section 163,

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the secondary school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the secondary school district. R.S.O. 1970, c. 430, s. 67.

Determining school rates by equalizing factor

127.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Adoption of rate

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Arbitrators, appointment

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Meeting

(4) The secretary of the board shall call the meeting of the arbitrators.

Determination of factors

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

When factors to be determined

(6) The factors shall be determined,

(*a*) in the year in which the separate school is formed;

(*b*) in any year that is divisible evenly by 5;

(*c*) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and

(*d*) in any year if the board so directs.

Appeal to board

(7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.

Use of factors

(8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors.

Cost of arbitration

(9) The cost of the arbitration shall be paid by the separate school board. R.S.O. 1970, c. 430, s. 68.

Trustees may copy assessment roll of municipality

128. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1970, c. 430, s. 69.

Clerk to give trustees annual statement of supporters of separate schools

129. The clerk of a municipality in which there is a separate school board shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons who are separate school suporters with the amount for which each person has been rated upon the assessment roll. R.S.O. 1970, c. 430, s. 70.

Request for collection of separate school rates by the municipality

130.—(1) The council of a municipality, if so requested on or before the 1st day of February in any year by a separate school board having jurisdiction in the municipality, shall levy and collect upon the property rateable for separate school purposes in the municipality and within the jurisdiction of the board, the rates or taxes imposed thereon by the board, and such request shall be deemed to continue from year to year unless terminated by the board giving notice to the council on or before the 1st day of February in any year. R.S.O. 1970, c. 430, s. 71 (1); 1971, c. 70, s. 3.

Expenses of collection

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected

for separate school purposes shall be paid by the corporation to the treasurer of the board and the provisions of section 208 shall apply *mutatis mutandis* to such rates and taxes. R.S.O. 1970, c. 430, s. 71 (2), *amended*.

Borrowing powers of separate school trustees

131.—(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes. R.S.O. 1970, c. 430, s. 73 (1), *amended*.

Terms of payment

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Debentures

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Maturity

R.S.O. 1970, c. 284

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act. R.S.O. 1970, c. 430, s. 73 (2-4).

Sinking fund

(5) Where the debt is not payable by instalments, the board shall levy in each year during the currency of the debt in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable.

Investment of fund

R.S.O. 1970, cc. 254, 284

(6) The sum referred to in subsection 5 shall be deposited with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*, and such sum and any income resulting therefrom shall be invested by such bank or trust company in the manner provided in

The Municipal Act for sinking funds, and subsections 4 to 9 of section 291 of *The Municipal Act* apply *mutatis mutandis* except that reference therein to the Ministry of Treasury, Economics and Intergovernmental Affairs shall be deemed to be a reference to the Ministry of Education. 1972, c. 76, s. 25.

Publication of notice of by-law

(7) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,

(*a*) the purpose for which the money is to be borrowed;

(*b*) the amount to be borrowed and the security therefor;

(*c*) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

Amounts

(8) The debentures issued under the by-law may be for such amounts as the board considers expedient. R.S.O. 1970, c. 430, s. 73 (6, 7).

Share of legislative grants

132.—(1) Every separate school shall share in the legislative grants in like manner as a public school.

Right of separate schools to a share of municipal grants

(2) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils enrolled at the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils enrolled at school in the same city, town, village or township.

Apportionment

(3) Where the grant is made by a council of a county or a regional municipality it shall be apportioned in like manner as the legislative grant.

Not to share in public school assessment

(4) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1970, c. 430, s. 74, *amended*.

Visitors

Separate school visitors

133. A parent or guardian of a child attending a separate school and a member of the board that operates the school may visit such school, and a member of the Assembly and a clergyman of the Roman Catholic Church may visit a separate school in his constituency or in the area where he has pastoral charge, as the case may be. R.S.O. 1970, c. 430, s. 75, *amended*.

FORM 1

FORM OF INDEX BOOK

[*Section 119 (1)*]

Names	Notices claiming exemption, when received	Remarks
Allen, John.....	3rd February, 19..	Notice of withdrawal received 1st January, 19...
Ardagh, Joseph....	3rd February, 19..	
Ashbridge, Robert..	3rd February, 19..	Disallowed by Assessment Review Court, 1st June, 19...

R.S.O. 1970, c. 430, Form 1.

FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

[*Section 123 (1)*]

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*), pursuant to a resolution in that behalf of the directors, requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, (*here insert fraction of assessment so designated*) of the land and business or other assessments.

Given on behalf of the company (*here insert date*).

Secretary of the Company.

R.S.O. 1970, c. 430, Form 2, *amended*.

PART V

PROTESTANT SEPARATE SCHOOLS

Application to establish Protestant separate school

134.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

Permission to establish

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

Restrictions on establishment

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. R.S.O. 1970, c. 430, s. 1.

Effective date

(4) A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be. R.S.O. 1970, c. 430, s. 4.

Notice to be supporter, exemption from public school rates

135.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal required

(2) The notice is not required to be renewed annually.

Certificate of notice

(3) Every clerk of a municipality, upon receiving the notice shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for wilful false statements in notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates and in addition is guilty of an offence and liable to a fine of not more than $100.

As to rates imposed before Protestant separate school established

(5) Nothing in this section exempts any person from paying any rate for public school purposes imposed before the establishment of the Protestant separate school. R.S.O. 1970, c. 430, s. 5, *amended*.

Withdrawal of support

136. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a Protestant separate school supporter. R.S.O. 1970, c. 430, s. 6.

Index book

137.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the name of each Protestant who has declared himself to be a supporter of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of each Roman Catholic who has declared himself to be a supporter of a Roman Catholic separate school.

Inspection

(2) The index book shall be open to inspection by any ratepayer.

Filing of notices

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 135 and 136. R.S.O. 1970, c. 430, s. 7 (1-3).

Clerk to be guided by index book

(4) The clerk and the appropriate assessment commissioner shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. R.S.O. 1970, c. 430, s. 7 (4); 1972, c. 76, s. 1, *amended*.

Not to share in public school assessment

138.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes.

Share of legislative grants

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. R.S.O. 1970, c. 430, s. 8.

Reports

139.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the Ministry in such form and at such times as may be required by the Minister.

Use of assessor's roll by board

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the board to make a copy of the roll. R.S.O. 1970, c. 430, s. 9, *amended*.

Qualification of a voter

140. Every person who is assessed as a Protestant separate school supporter and whose name appears on the list of voters of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees for the Protestant separate school board and on any school question having to do with the Protestant separate school or board. R.S.O. 1970, c. 430, s. 10, *amended*.

Qualification of a trustee

141.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school.

Election of trustees

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part IV with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate school boards. R.S.O. 1970, c. 430, s. 11.

Corporate name of board

142. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the....." (*inserting the name of the city, town, village or township*). R.S.O. 1970, c. 430, s. 12.

Powers of board

143. A Protestant separate school board has the same powers as a district school area board. R.S.O. 1970, c. 430, s. 13, *amended*.

Discontinuing board

144. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board is discontinued and may be re-established in the manner provided in section 134. R.S.O. 1970, c. 430, s. 14.

Application of other sections

145. Subsections 3 and 4 of section 97, subsection 2 of section 98, sections 120, 121 and 122 and clause *d* of subsection 1 of section 171 apply in respect of Protestant separate schools and Protestant separate school boards. R.S.O. 1970, c. 430, s. 15.

PART VI

BOARDS

Duties and Powers

Duties of boards:

146. Every board shall,

appoint secretary-treasurer

1. appoint a secretary and a treasurer or a secretary-treasurer who, in the case of a board of not more than five elected members, may be a member of the board;

security of treasurer

2. take proper security from the treasurer or secretary-treasurer;

order payment of bills

3. give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the regulations and by the board;

meetings

4. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept;

head office

5. establish and maintain a head office and notify the Ministry of its location and address and notify the Ministry of any change in the location or address of the head office within ten days of such change;

provide instruction and accommodation

6. provide instruction and adequate accommodation during each school year for the pupils who have a right to attend a school under the jurisdiction of the board;

repair property

7. keep the school buildings and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board;

insurance

8. make provision for insuring adequately the buildings and equipment of the board and for insuring the board and its employees and volunteers who are assigned duties by the principal against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board;

conduct schools

9. ensure that every school under its charge is conducted in accordance with this Act and the regulations;

10. keep open its schools during the whole period of the school year determined under the regulations, except where it is otherwise provided under this Act; school open

11. appoint for each school that it operates a principal and an adequate number of teachers, all of whom shall be qualified according to this Act and the regulations; appoint principal and teachers

12. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the textbooks that are required by the regulations to be purchased by the board; provide textbooks

13. where it furnishes transportation for pupils in a vehicle that is owned by the board, provide and carry with an insurer licensed under *The Insurance Act* for each such vehicle at least the amount of insurance that is required to be provided in respect of such a vehicle by the licensee of a school vehicle under *The Public Vehicles Act*; vehicle insurance R.S.O. 1970, cc. 224, 392

14. ascertain and report to the Ministry at least once in each year the names and ages of all children of compulsory school age within its jurisdiction who are not enrolled in any school or private school and the reasons therefor; report children not enrolled

15. transmit to the Minister all reports and returns required by this Act and the regulations; reports

16. issue to an employee, upon the termination of his employment with the board, a statement of the sick leave credits standing to his credit with the board at the time of such termination. R.S.O. 1970, c. 385, s. 51 (1) (*a*, *c*), (3) (*c*); R.S.O. 1970, c. 424, ss. 33, 34, par. 2; R.S.O. 1970, c. 425, s. 6 (1); R.S.O. 1970, c. 430, s. 50 (3) (*d*); 1972, c. 77, s. 17; 1973, c. 37, s. 6 (2), *amended*. statement of sick leave credits

147.—(1) A board may, Powers of boards:

1. appoint such committees as it considers expedient; R.S.O. 1970, c. 424, s. 34, par. 1. committees

2. subject to Part X, appoint and remove such officers and servants and, subject to Part IX, appoint and remove such teachers, as it considers expedient, determine the terms on which such officers, servants and teachers are to be employed, prescribe their duties and fix their salaries, except that in the case of a secretary of a board who is a member of the appoint employees

board, the board may pay only such compensation for his services as is approved by the electors at a meeting of the electors; R.S.O. 1970, c. 385, s. 35 (2); 1972, c. 77, s. 18 (1), *amended*.

voluntary assistants

3. permit a principal to assign to a person who volunteers to serve without remuneration such duties in respect of the school as are approved by the board and to terminate such assignment; 1972, c. 77, s. 18 (2).

supervisors

4. appoint supervisors of the teaching staff for positions that are provided for in any Act or regulation administered by the Minister and every appointee shall hold the qualifications and perform the duties required in the Act or regulations; R.S.O. 1970 c. 424, s. 34, par. 20.

psychiatrist or psychologist

5. appoint one or more,

i. psychiatrists who are on the register of specialists in psychiatry of The Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario,

ii. psychologists who are legally qualified medical practitioners or hold a certificate of registration under *The Psychologists Registration Act*; R.S.O. 1970, c. 424, s. 34, par. 3, *amended*.

R.S.O. 1970, c. 372

schools and attendance areas

6. determine the number and kind of schools to be established and maintained, and the attendance area for each school; R.S.O. 1970, c. 424, s. 34, par. 5, *amended*.

courses of study

7. provide instruction in courses of study that are prescribed or approved by the Minister, developed from curriculum guidelines issued by the Minister or approved by the board where the Minister permits the board to approve courses of study;

computer programming

8. enter into an agreement in respect of the use of a computer or a system of computer programming; *New*.

playgrounds, parks, rinks

9. operate the school ground as a park or playground and rink during the school year or in vacation or both, and provide and maintain such equipment as it considers advisable, and provide such supervision as it considers proper, provided the proper conduct of the school is not interfered with; R.S.O. 1970, c. 424, s. 34, par. 8; 1973, c. 92, s. 10 (1).

10. organize and carry on gymnasium classes in school buildings for pupils or others during the school year or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with; R.S.O. 1970, c. 424, s. 34, par. 9; 1973, c. 92, s. 10 (2). gymnasiums

11. purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations; R.S.O. 1970, c. 424, s. 34, par. 10. milk

12. provide school supplies, other than the textbooks that it is required to provide under paragraph 12 of section 146, for the use of pupils; provision of supplies, etc.

13. establish and maintain school libraries and resource centres; R.S.O. 1970, c. 424, s. 34, pars. 11, 12, *amended*. libraries

14. establish kindergartens and junior kindergartens; R.S.O. 1970, c. 385, s. 51 (2) (*c*) (i), *amended*. kindergartens, junior kindergartens

15. provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques; 1972, c. 77, s. 18 (8). signatures mechanically reproduced

16. pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of an educational association and may make grants and pay membership fees to any such organization; membership fees and travelling expenses

17. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him, legal costs

    i. for libel or slander in respect of any statements relating to the employment, suspension or dismissal of any person by the board published at a meeting of the board or of a committee thereof, or

    ii. for assault in respect of disciplinary action taken in the course of duty;

invest funds

18. invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*; R.S.O. 1970, c. 424, s. 34, pars. 15-17.

R.S.O. 1970, c. 470

idem

19. invest moneys not required immediately by the board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality or board by way of promissory note of the municipality or board, provided that the bonds, debentures or other evidences of indebtendness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested; 1971, c. 90, s. 5 (1); 1973, c. 92, s. 10 (3).

R.S.O. 1970, c. 254

borrowing from funds

20. notwithstanding any other Act, borrow, for any purpose for which the board has authority to spend money, any moneys in any fund established by the board that are not immediately required by the board for the purposes of such fund, but such borrowing shall not extend beyond the term of office of the members of the board and, where secondary school moneys are borrowed for public school purposes or public school moneys are borrowed for secondary school purposes, the board shall pay interest to the fund from which such moneys are borrowed at a rate not less than that being earned by the fund at the date of borrowing; 1973, c. 92, s. 10 (4).

student fees

21. subject to the provisions of this Act and the regulations, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice; R.S.O. 1970, c. 424, s. 34, par. 21; 1971, c. 90, s. 5 (2), *amended*.

permit use of school and school buses

22. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purpose; R.S.O. 1970, c. 424, s. 34, par. 23, *amended*.

23. provide for surgical treatment of children attending the school who suffer from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical officer are employed, of the nurse and medical officer, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; R.S.O. 1970, c. 385, s. 51 (2) (*g*). surgical treatment

24. establish and maintain cadet corps; R.S.O. 1970, c. 424, s. 34, par. 25, *amended*. cadet corps

25. provide for the promotion and encouragement of athletics and for the holding of school games; athletics

26. provide, during the school year or at other times, activities and programs on or off school premises, including field trips, and exercise jurisdiction over those persons participating therein; activities

27. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement; R.S.O. 1970, c. 424, s. 34, pars. 26-28. guidance

28. conduct free lectures open to the public and include in the estimates for the current year the expenses thereof; R.S.O. 1970, c. 424, s. 34, par. 29, *amended*. public lectures

29. establish summer schools for pupils; summer schools

30. establish and conduct during the school year courses for teachers; courses for teachers

31. establish evening classes; R.S.O. 1970, c. 424, s. 34, pars. 30-32. evening classes

32. erect and maintain any wall or fence considered necessary by the board for enclosure of the school premises; R.S.O. 1970, c. 424, s. 33, par. 9. erect fences

33. contribute toward the support of school fairs; R.S.O. 1970, c. 385, s. 51, (2), (*e*). school fairs

student activities

34. authorize such school activities as pertain to the welfare of the pupils and exercise jurisdiction in respect thereof; R.S.O. 1970, c. 424, s. 34, par. 33, *amended*.

cafeteria

35. operate a cafeteria for the use of the staff and pupils; R.S.O. 1970, c. 424, s. 34, par. 35.

records management

36. institute a program of records management that will, subject to the regulations in respect of pupil records,

i. provide for the archival retention by the board or the Archivist of Ontario of school registers, minute books of the board and its predecessors, documents pertaining to boundaries of school sections, separate school zones and secondary school districts, original assessment and taxation records in the possession of the board and other records considered by the board to have enduring value or to be of historical interest, and

ii. establish, with the written approval of the auditor of the board, schedules for the retention, disposition and eventual destruction of records of the board and of the schools under its jurisdiction other than records retained for archival use; 1972, c. 77, s. 18 (5).

education of children in charitable organizations

37. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use; R.S.O. 1970, c. 424, s. 34, par. 38.

programs in detention homes

R.S.O. 1970, c. 369

1974, c. 2

38. employ and pay teachers to conduct an education program in a juvenile detention and observation home established under *The Provincial Courts Act*, a psychiatric facility as defined in the regulations and a facility designated under *The Developmental Services Act, 1974* in which an educational program is not provided by the Ministry, provide instructional supplies and consultative help for the pupils therein and permanent improvements for the classrooms connected therewith; 1972, c. 77, s. 18 (6), *amended*.

39. provide for maternity leave for a teacher, not exceeding two years for each pregnancy; R.S.O. 1970, c. 424, s. 34, par. 40, *amended*. maternity leave

40. establish, subject to the regulations, special education programs to provide special education services for children who require such services; R.S.O. 1970, c. 424, s. 34, par. 42. special education

41. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement, assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved; 1971, c. 90, s. 5 (4). assumption of treatment centres, etc.

42. where a recreation committee or a joint recreation committee has been appointed for territory without municipal organization within the jurisdiction of the board, exercise the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year for the purposes of the committee or joint committee, and levying rates and collecting taxes for such purposes on the rateable property supporting the board in such territory, and where such a joint recreation committee has been appointed, apportion the costs of such committee by agreement with the other board concerned; R.S.O. 1970, c. 424, s. 34, par. 45. recreation committees

43. with the approval of the Minister, enter into an agreement with a university, college of a university, or the board of governors of a polytechnical institute or of a college of applied arts and technology in respect of the provision, maintenance and use of educational or recreational facilities on the property of either of the parties to the agreement. agreement for provision and use of recreational facilities

44. pass a resolution referred to in subsection 2 of section 81 of *The Municipal Elections Act, 1972*. *New*. election recounts 1972, c. 95

(2) In addition to any other remedy possessed by a board in territory without municipal organization for the recovery of rates imposed under the authority of this Act, the board, with the approval of the Minister, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. R.S.O. 1970, c. 424, s. 35, *amended*. Collection of rates in territory without municipal organization by action

148.—(1) Any person may, with the approval of the board concerned, establish scholarships, bursaries or prizes. Establishment of scholarships, etc.

Idem

(2) A board may award bursaries or prizes to its pupils under such terms and conditions as the board may prescribe. R.S.O. 1970, c. 425, s. 68.

Vocational Courses

Vocational courses

149.—(1) A secondary school board may provide vocational courses of study in one or more of its schools.

Courses of study

(2) Vocational courses of study may comprise,

(*a*) full-time day courses of study;

(*b*) part-time day courses of study; and

(*c*) evening courses of study.

Admission procedures

(3) A secondary school board may provide for the admission of a pupil to a vocational course and may determine the procedures for admission to such course. R.S.O. 1970, c. 425, s. 11 (1, 2).

Admission of adult

(4) Where a principal of a school is satisfied that an adult is competent to receive instruction in a vocational course, the adult may, without regard to his school standing, be admitted to,

(*a*) a special full-time day course of study;

(*b*) a part-time day course of study; or

(*c*) an evening course of study,

in the school. R.S.O. 1970, c. 425, s. 12 (4).

Advisory committee

150.—(1) A secondary school board that provides or plans to provide a vocational course may, by resolution, appoint an advisory committee to be known as the advisory committee for.....(*inserting the name of the vocational course*) and composed of such persons, all or any of whom may be members of the board, appointed for such term, not extending beyond the term of office of the members of the board, as the board considers necessary to advise the board on matters relating to the vocational course.

Allowance

(2) A secondary school board may pay to each person appointed under subsection 1 who is not a member of the board such allowance as the board may determine for each month for which he is appointed, but such allowance shall not exceed one-half of the amount determined under subsection 1 of section 164 based on the enrolment on the 30th day of September in the preceding year in all secondary schools that, on the 1st day of January of the current year, are operated by the board. 1972, c. 75, s. 4, *amended*.

Benefits

151. A board may, Powers of board

1. provide, by contract with an insurer licensed under *The Insurance Act*, accident, etc., insurance R.S.O. 1970, c. 224

   i. group accident insurance to indemnify a member of a board or of an advisory committee appointed by a board or his estate against loss in case he is accidentally injured or killed, and

   ii. group public liability and property damage insurance to indemnify a member of a board or of an advisory committee appointed by a board or his estate in respect of loss or damage for which he has become liable by reason of injury to persons or property or in respect of loss or damage suffered by him by reason of injury to his own property,

   while travelling on the business of the board or in the performance of his duties as a member of the board or of an advisory committee either within or outside the area over which the board has jurisdiction; R.S.O. 1970, c. 424, s. 34, par. 36.

2. where, in co-operation with business, industry or other enterprise, it provides for pupils training programs designed to supplement the courses given in its schools, provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a program and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a program; R.S.O. 1970, c. 424, s. 34, par. 39, *amended*. accident and public liability insurance re work-experience programs

3. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians. R.S.O. 1970, c. 424, s. 34, par. 41. insurance for pupils

152.—(1) Subject to *The Health Insurance Act, 1972*, a board by resolution may provide, Insurance, hospital and health services 1972, c. 91

(*a*) by contract either with an insurer licensed under *The Insurance Act* or with an association registered

R.S.O. 1970, c. 360

under *The Prepaid Hospital and Medical Services Act*,

(i) group life insurance for its employees or any class thereof,

(ii) group accident insurance or group sickness insurance for its employees or any class therof and their spouses and children, and

(iii) hospital, medical, surgical, nursing or dental services, or payment therefor, for employees or any class thereof and their spouses and children; and

(*b*) for payment by the board of the whole or part of the cost of any insurance or services provided under this subsection.

Contributions re insured services

1972, c. 91

(2) A board may by resolution provide for paying the whole or part of the cost to employees of insured services under *The Health Insurance Act, 1972*. 1972, c. 77, s. 24.

Participation of retired person in contract

(3) A board may retain a person who retires from employment with the board before he attains the age of sixty-five years in a group established for the purposes of a contract referred to in clause *a* of subsection 1 until he attains such age if he pays the full premium required to be paid to retain his participation in the contract. 1973, c. 92, s. 13.

Pensions

R.S.O. 1970, c. 324

153.—(1) A board, by resolution, may provide pensions for employees or any class thereof under *The Ontario Municipal Employees Retirement System Act*.

Idem

R.S.O. 1970, c. 284

(2) Notwithstanding subsection 1, a board that makes contributions to an approved pension plan, as defined in subsection 1 of section 250 of *The Municipal Act*, may continue to provide pensions under such plan, and the said section 250 applies *mutatis mutandis*. 1972, c. 77, s. 23.

Interpretation

(3) In this section, "employee" does not include a teacher or supervisory officer or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund.

Employees of newly organized board

(4) An employee of a divisional board who was a contributor or who was entitled to be a contributor under *The Ontario Municipal Employees Retirement System Act*, by reason of his employment with a former board on the 31st day of December, 1968, shall continue to be a contributor or to be entitled to be a contributor, as the case may

be, and the divisional board shall assume in respect of such employee all the rights and obligations of the former board, but in respect of other employees, the divisional board, before such employees may participate under such Act, shall pass a resolution electing to become a participant under such Act, as required by the regulations made thereunder, and stating the effective date.

Assumption of board of rights and obligations of former board R.S.O. 1970, c. 284

(5) A divisional board that is required to make the contribution of a former board to an approved pension plan, as defined in section 250 of *The Municipal Act*, in respect of an employee who was a contributor to such approved pension plan on the 31st day of December, 1968, shall assume all the rights and obligations of such former board under the approved pension plan in respect of such employee. R.S.O. 1970, c. 424, s. 43 (2-4).

Saving R.S.O. 1970, cc. 165, 316, 356

(6) Nothing in this section affects any pension plan established and approved by the Minister before the 6th day of April, 1954 under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*. R.S.O. 1970, c. 424, s. 99 (1).

Retirement allowances

154.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who,

(*a*) is retired because of age; or

(*b*) while in the service has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, R.S.O. 1970, c. 455 will exceed three-fifths of his average annual salary for the preceding three years of his service.

Widow or widower

(2) Where an employee,

(*a*) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or

(*b*) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

Interpretation

(3) In subsection 1, "pension payments" means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee.

Limitation on application of section

(4) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who were in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1970, c. 424, s. 45.

Idem

(5) Nothing in this section affects any retirement allowance granted before the 6th day of April, 1954 under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*. R.S.O. 1970, c. 424, s. 99 (3).

R.S.O. 1950, cc. 165, 316

Sick leave credits

155.—(1) A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Allowing of credits on transfer of employment

(2) Where an employee of a board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another board that has also established a sick leave credit plan under this or any other general or special Act, the latter board shall, subject to the limitation in subsection 5, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned board. R.S.O. 1970, c. 424, s. 44 (1, 2).

Where transferred because of change in jurisdiction of board

(3) Notwithstanding subsection 2, where the contract of employment of an employee of a board has become an obligation of another board by or under any Act, the latter board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the system of sick leave credit gratuities of the first-mentioned board. 1973, c. 118, s. 1.

(4) Where an employee of a municipality or a local board, as defined in *The Municipal Affairs Act*, except a school board, that has established a sick leave credit plan under any general or special Act, becomes an employee of a board that has established a sick leave credit plan under this or any other general or special Act, the board shall, subject to the limitation in subsection 5, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of such municipality or local board. Idem R.S.O. 1970, c. 118

(5) The amount of sick leave credits placed to the credit of an employee under subsection 2 or 4 shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed. Limitation

(6) Subsections 2 and 4 apply only where the transfer of employment from a school board to another school board or from a municipality or a local board to a school board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated. Application of subss. 2, 4, where intervening employment

(7) Notwithstanding subsection 6, intervening employment with the Ministry of Education does not preclude the application of subsections 2 and 4. R.S.O. 1970, c. 424, s. 44 (3-6). Exception

(8) Where an employee of a board that, before the 1st day of June, 1968, had established a sick leave credit plan became, on the 1st day of January, 1969, an employee of a divisional board or of a county or district combined separate school board, such board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board. R.S.O. 1970, c. 425, s. 30 (11); R.S.O. 1970, c. 430, s. 86 (10). Applicability of sick leave credits

(9) Nothing in this section affects any sick leave credit plan established and approved by the Minister before the 6th day of April, 1954 under section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*. R.S.O. 1970, c. 424, s. 99 (2). Idem R.S.O. 1950, cc. 165, 316, 356

Agreements

156.—(1) A board may, subject to subsection 2, enter into an agreement with another board to provide, for the other board for such periods and under such conditions as are specified in the agreement, Agreements to provide accommodation or services for another board

(*a*) accommodation for administrative purposes;

(*b*) accommodation for instructional purposes;

(*c*) the services of teachers and other personnel; or

(*d*) the transportation of pupils,

that the board by this Act is authorized or required to provide for its own pupils.

Where building, additions, etc., required

(2) Where the construction of a school building or an addition, alteration or improvement to a school building is required under an agreement made under subsection 1, the agreement shall make provision for the payment of the cost of such building, addition, alteration or improvement and is not effective until approved by the Minister. 1972, c. 77, s. 19, *amended*.

Where cost borne by board not providing accommodation

(3) Where, under an agreement, the board that does not provide the additional accommodation is required to bear and pay the cost thereof, the additional accommodation shall, for the purposes of issuing debentures, be deemed to be a permanent improvement of such board. R.S.O. 1970, c. 385, s. 6.

Fees, exception

(4) An agreement under this section may, notwithstanding the regulations, provide for the calculation and payment of fees in respect of pupils covered by the agreement. R.S.O. 1970, c. 385, s. 6 (1) (*c*), *amended*.

Interpretation

157.—(1) In this section,

(*a*) "board" includes The Metropolitan Toronto School Board;

(*b*) "municipality" includes a county and a district, metropolitan or regional municipality and a local board of a municipality or county or of a district, metropolitan or regional municipality, except a school board.

Agreements for joint use of facilities, etc.

(2) One or more boards and the council of a municipality or the councils of two or more municipalities may enter into an agreement,

(*a*) in respect of the use of existing facilities owned by one of such parties; or

(*b*) for the purpose of establishing and providing for the maintenance and operation of facilities on the property of any of the parties to such agreement,

for such cultural, recreational, athletic, educational, administrative or other community purposes as are set out in the agreement, and such agreement shall include provision for,

(*c*) the acquisition of any land that may be required for the purposes of the agreement, and the manner of approving and the method of apportioning the cost thereof;

(*d*) the manner of approving and the method of apportioning the cost of the construction, maintenance and operation of the facilities;

(*e*) the manner in which each party to the agreement shall pay its portion of the costs referred to in clauses *c* and *d* and the times when such costs shall be paid;

(*f*) the regulation, control and use of the facilities including the charging of fees for admission thereto; and

(*g*) the duration of the agreement and the manner in which and the terms upon which it may be terminated.

Approval of Minister

(3) Where, pursuant to an agreement made under this section, a permanent improvement is required, it shall not be proceeded with until such plans and specifications therefor as are required by the Minister have been approved by the Minister.

Previous agreement

(4) This section does not affect an agreement entered into before the 23rd day of June, 1972,

(*a*) under subsection 2 of section 143 of *The Municipality of Metropolitan Toronto Act*; or R.S.O. 1970, c. 295

(*b*) between a board and the council of a municipality, including a regional municipality or a county, or a a local board thereof, for fulfilling, executing or completing, at their joint expense or at the expense of either of the parties to the agreement, any undertaking for the joint benefit of the parties to the agreement, including the joint use of educational and municipal facilities,

but after the 23rd day of June, 1972, an amendment to an agreement referred to in clause *a* or *b* or an agreement to which the said subsection 2 of section 143 applies may be made only in accordance with this section. 1972, c. 77, s. 20.

Facilities deemed community recreation centre

(5) Where an agreement under this section or an agreement referred to in subsection 4 between one or more boards and one or more municipalities provides for the use of existing facilities or for the establishment of facilities, such facilities or any of them that come within the definition of community recreation centre under *The Community* 1974, c. 80

Recreation Centres Act, 1974 may be considered by the Minister of Community and Social Services as a community recreation centre for the purposes of making grants under section 6 of that Act. *New.*

Agreement between public school boards

158.—(1) A public school board may enter into an agreement with another public school board under which one public school board shall furnish education for pupils of the other upon payment by such other public school board on behalf of such pupils of fees calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (12), *amended.*

Agreement between separate school boards

(2) A separate school board may enter into an agreement with another separate school board under which one separate school board shall furnish education for pupils of the other upon payment by such other separate school board on behalf of such pupils of fees calculated in accordance with the regulations. R.S.O. 1970, c. 430, s. 25 (12), *amended.*

Admission of pupils to Indian schools

R.S.C. 1970, c. I-6

(3) The board of an elementary school may provide for the admission of one or more of its pupils to a school for Indian children established, operated and maintained under the *Indian Act* (Canada), subject to the approval of the authority having control of such school, and the accommodation provided under such arrangement shall be in lieu of the accommodation that the board is required by this Act to provide for such pupils.

Levy for fees, transportation, etc.

(4) The board of an elementary school may levy and collect upon the property rateable for the purposes of the board such sum as may be necessary to pay the fees of its pupils who attend schools for Indian children pursuant to subsection 3 and to pay for the transportation of such pupils to and from such schools as well as such other sums as the board considers expedient or as may be required by this Act.

Closing of school by board

(5) Where a board has arranged under this section for the admission of all its pupils to a school or schools that the board does not operate, the board may close its schools for the period during which such arrangement or arrangements are in effect. R.S.O. 1970, c. 385, s. 53, *amended.*

Agreements for education of public and separate school pupils

159. A public school board and a separate school board may enter into an agreement in respect of the provision of education in a public or separate school under the jurisdiction of either board for pupils of the other board in a course or courses that are not available in a school under the jurisdiction of the board requiring the provision of education or that are considered by such board to be not readily accessible to the pupils in respect of whom the agreement is made where,

(*a*) the appropriate supervisory officer of the board providing education certifies that accommodation is available in such school for such pupils; and

(*b*) the board requiring the provision of education pays for each such pupil a fee calculated in accordance with the regulations. R.S.O. 1970, c. 385, s. 5 (13); R.S.O. 1970, c. 430, s. 25 (13), *amended*.

Secondary school agreements

160.—(1) The board of a secondary school district that is not a school division may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment in respect of such pupils of fees calculated in accordance with the regulations.

Agreements for education at outside schools

(2) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board and for the payment in respect of such pupils of fees calculated in accordance with the regulations. R.S.O. 1970, c. 425, s. 60, *amended*.

Agreements re pupils in federal establishments

161. A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada. R.S.O. 1970, c. 424, s. 38.

Agreements re accommodation for Indian pupils

162.—(1) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide accommodation and tuition for the maximum number of Indian pupils agreed upon, and the fees therefor shall be calculated in accordance with the regulations.

Idem

(2) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefor shall be calculated in accordance with the regulations, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto. R.S.O. 1970, c. 424, s. 37 (1, 2); 1971, c. 90, s. 6 (1, 2), *amended*.

Cost of special services

(3) A board shall not enter into an agreement under subsection 1 or 2 that requires the board to provide special services for Indian pupils that it does not provide for its resident

pupils unless, in addition to the fees referred to in subsection 1 or 2, the cost of such services is payable by the Crown in right of Canada. 1973, c. 92, s. 11, *amended*.

Appointment of representative of Indian pupils

(4) Where a board has entered into one or more agreements under this section, the council of the Indian band, or the councils of the Indian bands, to which the Indian pupils, or a majority of the Indian pupils, who are, pursuant to the agreement or agreements, enrolled in the schools operated by the board, belong, may, subject to subsection 5, name one person to represent on the board the interests of the Indian pupils and, where a person is so named, the board shall, subject to subsection 6, appoint the person a member of the board, and the member so appointed shall be deemed to be an elected member of the board, except that,

(*a*) where the agreement or agreements under this section are in respect of secondary school pupils only, the member so appointed is a trustee for secondary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect public schools exclusively; and

(*b*) where the agreement or agreements under this section are in respect of elementary school pupils only, the member so appointed is a trustee for elementary school purposes only and shall not vote on a motion or otherwise take part in any proceedings that affect secondary schools exclusively.

Additional representative

(5) Where the number of Indian pupils enrolled in the schools under the jurisdiction of a divisional board or a county or district combined separate school board pursuant to one or more agreements made under this section exceeds 25 per cent of the average daily enrolment in the schools of the board, two persons may be named under subsection 4, and subsection 4 applies *mutatis mutandis* in respect of such persons.

Where appointment in discretion of board

(6) Where the number of Indian pupils enrolled in the schools under the jurisdiction of the board pursuant to one or more such agreements is fewer than the lesser of 10 per cent of the average daily enrolment in the schools of the board and 100, the appointment under subsection 4 may be made at the discretion of the board.

Enrolment

(7) Where the agreement is, or the agreements are, in respect of elementary school pupils only or secondary school pupils only, the enrolment referred to in subsections 5 and 6 shall be that of elementary school pupils only or secondary school pupils only, as the case may be.

(8) A member of the board appointed under subsection 4, 5 or 6 is in addition to the number of members of the board otherwise provided for in this Act and the term of office of such member terminates on the same date as the term of office of the elected members. 1972, c. 77, s. 21. Appointed members in addition to elected members

(9) Where the office of a member of a board appointed under this section becomes vacant for any reason, it shall be filled in accordance with subsection 4, and the person so appointed shall hold office for the remainder of the term of his predecessor. *New.* Vacancy in office

Transportation

163.—(1) A board may provide for, Transportation of pupils

(*a*) a resident pupil of the board who is enrolled in a school that the board operates or in a school operated by another board to which the board pays fees in respect of such pupil; and

(*b*) a pupil in respect of whom the Minister pays the cost of education under the regulations,

transportation to and from the school that the pupil attends and to and from an activity that is part of the program of such school. R.S.O. 1970, c. 424, s. 42 (1), *amended.*

(2) A board may provide for a person who is qualified to be a resident pupil of the board transportation to and from the Ontario School for the Blind, an Ontario School for the Deaf, a facility designated under *The Developmental Services Act, 1974*, and a psychiatric facility designated as such under *The Mental Health Act.* Idem 1974, c. 2 R.S.O. 1970, c. 269

(3) A secondary school board may assist in the provision of transportation for children who are qualified to be resident pupils of the board to and from a centre operated by a local association that is affiliated with the Ontario Association for the Mentally Retarded. *New.* Idem

(4) For the purposes of this section, a board may purchase a vehicle either from current revenue or from a debenture issued for that purpose. Purchase of bus

(5) Subject to subsection 6, for the purposes of this section, a board may make an agreement or agreements for one school year or less with a corporation, commission or person for the transportation of such pupils. Agreements

(6) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years for the transportation of such pupils. Agreements not exceeding five years

Boarding of secondary school pupils residing in territorial district

(7) Where a pupil resides in a school section or separate school zone in a territorial district but not in a school division with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 1, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem

(8) Where a pupil resides in a territorial district but not in a school section, a separate school zone or a school division, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem

(9) Where a pupil resides with his parent or guardian in a school division in a residence that,

(*a*) in a territorial district is fifteen miles or more; or

(*b*) in a county is thirty miles or more,

by road or rail from a secondary school that he attends, or where a pupil resides with his parent or guardian on an island in a school division, the board of the school division of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Boarding and transportation of secondary school pupils in a territorial district taking "francais" subject

(10) Where a secondary school pupil resides in a territorial district in a school division with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school in which the subject of French, taught as a subject for students who normally speak the French language, is offered as one of the subjects of the courses of study, an elementary school board may reimburse the parent or guardian at the end of each month for the cost of providing for such

pupil, when not so provided by the secondary school board, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends, or may furnish transportation for such pupil in lieu thereof.

Boarding of elementary school pupils residing in territorial districts

(11) Where a pupil resides in a territorial district but not in a school section or a separate school zone, with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the appropriate supervisory officer of the elementary school nearest such residence, the board of the elementary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Boarding of elementary school pupils where transportation impracticable

(12) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Certification of attendance

(13) For the purpose of certifying attendance under subsections 7 to 12, the principal may add to the number of days of attendance of a pupil the number of days the pupil is excused from attendance under the regulations or is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. R.S.O. 1970, c. 424, s. 42 (5-14), *amended*.

Allowances

Allowance for members

164.—(1) A board may pay to each member of the board for each month an allowance not exceeding an amount based on the enrolment on the 30th day of September in the preceding year in all the schools which, on the 1st day of January of the current year, are operated by the board, as follows:

Enrolment	Maximum Monthly Allowance
Fewer than 2,000	$100
2,000 or more but fewer than 10,000	200
10,000 or more but fewer than 40,000	400
40,000 or more	600

Chairman, additional allowance

(2) A board may pay to its chairman, in addition to any allowance that may be paid to him as a member, an additional allowance not exceeding one-half of the allowance that may be paid to him as a member.

Travel expenses to attend board meetings

(3) In respect of travel of a member of the board to and from his residence to attend a meeting of the board, or a committee thereof, that is held within the area of jurisdiction of the board, the board may,

(*a*) reimburse the member for his expenses necessarily incurred therefor or such lesser amount as may be determined by the board; or

(*b*) pay the member a mileage allowance at a rate determined by the board.

Expenses for authorized travel on board business

(4) A board may authorize a member, teacher or official of the board to travel on designated business of the board, and may reimburse the member, teacher or official for his actual expenses incurred on business of the board, or such lesser amount as may be determined by the board.

Deduction because of absence

(5) A board may provide for a deduction of a reasonable amount from the allowance of a member because of absence from regular or committee meetings of the board.

Advisory committee members

(6) Subsections 3, 4 and 5 apply *mutatis mutandis* to members of a committee established by the board who are not members of the board. R.S.O. 1970, c. 424, s. 40, *amended*.

Property

School lands granted before 1850 vested in board for school purposes

165.—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in a public school board or a board of education having jurisdiction in the municipality in which the lands are situate, continue to be vested in such board, and continue to be held by it and its successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are respectively held. R.S.O. 1970, c. 385, s. 9 (1).

Property in trust vested in board

(2) All property heretofore granted or devised to, acquired by or vested in any person or corporation,

(*a*) for the secondary school purposes of a secondary school district or any part thereof; or

(*b*) for the separate school purposes in a separate school zone,

is vested in the board having jurisdiction in the secondary school district or separate school zone, as the case may be. R.S.O. 1970, c. 430, s. 50 (1) (*i*), *part*; 1972, c. 75, s. 3, *amended*.

Possession of property

166.—(1) A board may take possession of all property acquired or given for school purposes and hold and apply it according to the terms on which it was acquired or given. R.S.O. 1970, c. 385, s. 51 (2) (*a*).

Idem

(2) A separate school board has power to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received. R.S.O. 1970, c. 430, s. 50 (1) (*i*), *part*.

Appropriation of property

(3) A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes of the board but, where public school property is appropriated for secondary school purposes, the value of the property so appropriated or the revenue derived therefrom shall be applied for public school purposes and, where secondary school property is appropriated for public school purposes, the value of the property so appropriated or the revenue derived therefrom shall be applied for secondary school purposes. R.S.O. 1970, c. 425, s. 23, *amended*.

Disposal of lands patented to boards for school purposes

167.—(1) Lands originally granted or conveyed by the Crown for school purposes and held by a board may be leased, sold or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval. R.S.O. 1970, c. 385, s. 9 (2).

Application for removal of restrictions on use of school lands

(2) Where land, the use of which is restricted by deed in any manner to school purposes so as to appear that some other person may have an interest therein, has been vested in a board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it considers just including, where the land adjoins land being used as a farm, a requirement that the board shall, where the board intends to sell the land, first offer it at a reasonable price to the owner or owners of such adjoining land. R.S.O. 1970, c. 385, s. 10, *amended*.

Lease or sale of site or property

(3) Subject to subsection 4, a board has power to sell, lease or otherwise dispose of any school site or part thereof or property of the board upon the adoption of a resolution that such site or part or property is not required for the purposes of the board, and the board shall apply the proceeds thereof for the purposes of the board and shall advise the Minister of the sale, conveyance or transfer, or of the lease where the term thereof exceeds one year, of any of its schools. R.S.O. 1970, c. 385, s. 51 (2) (*b*); R.S.O. 1970, c. 425, s. 9 (2); R.S.O. 1970, c. 430, s. 50 (1) (*i*), *part*, *amended*.

Disposal of buildings 1953, c. 119

(4) Notwithstanding any general or special Act, including *The Metropolitan Separate School Board Act, 1953*, a board shall not sell, lease or otherwise dispose of a building or part thereof other than to another board or demolish a building, unless, in addition to any other approval that may be required, the board has obtained the approval of the Minister.

Exceptions

(5) Subsection 4 does not apply,

(*a*) to the use of a building or part thereof pursuant to an agreement under section 157; or

(*b*) where a building or part thereof is in use as a school, to the use of the building or part for any purpose that does not interfere with the proper conduct of the school. 1973, c. 92, s. 2, *amended*.

Board may purchase or expropriate within its jurisdiction

168.—(1) Subject to the provisions of Part IV as to the selection of a site by a rural separate school board, every board may acquire, by purchase or lease, or may expropriate, a school site that is within its area of jurisdiction.

Purchase or lease of site in adjoining jurisdiction

(2) A public school board, board of education or secondary school board may, with the approval of the Minister, acquire by purchase or lease a school site in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school thereon, but the board shall not expropriate any such site.

Separate school board may purchase or expropriate within its designated area

(3) A county or district combined separate school board may acquire by purchase or lease, or may expropriate, a school site that is within the area designated in respect of such board by regulation made under subsection 2 of section 103 but that is not within the county or district combined separate school zone, for the purpose of operating a school thereon. 1972, c. 77, s. 27, *part*.

School outside designated area

(4) A county or district combined separate school board may, with the approval of the Minister, acquire by purchase or lease a school site that is outside the area designated in respect of such board by regulation made under subsection 2 of section 103 and may operate thereon a separate school, but a county or district combined separate school board shall not expropriate any such site.

(5) Notwithstanding section 80, the operation of a separate school on a school site acquired under subsection 4 does not, thereby, establish a separate school zone with a centre at such site. 1972, c. 76, s. 28, *part*. Zone not established

(6) Subject to section 169, a board may erect, add to or alter buildings for its purposes on land owned by the board. Buildings on land owned by board

(7) A board may erect a school building on land that is leased by the board where the term of the lease, the school site and the plans of the school building are approved by the Minister. 1973, c. 92, s. 16, *amended*. Buildings on leased land

(8) A board may, with the approval of the Minister, make an addition, alteration or improvement to a school building that is acquired by the board under a lease. 1972, c. 77, s. 27, *part, amended*. Additions or alterations

169. Where a board plans to provide, other than by way of a lease, accommodation for pupils on a school site that is not to be occupied or used exclusively by the board, the board shall obtain the prior approval of the Minister to enter into negotiations with a person, other than a board or a municipality, in respect of the provision of such accommodation, and an agreement for such purposes may be entered into with such person only after the proposed agreement, the plans of the school and of the building of which it may be a part and the site have been approved by the Minister. 1972, c. 77, s. 28. Agreement for multi-use building

Out-of-Classroom Programs

170.—(1) A board may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs as the board may direct, and for such purposes may, with the approval of the Minister, build and operate the necessary facilities. Acquisition of land for natural science programs

(2) Two or more boards may enter into an agreement for a specified period whereby one of the boards may acquire by purchase or by lease land in any municipality or territory without municipal organization in Ontario for the purpose of conducting a natural science program and other out-of-classroom programs and, for such purposes, such board may, with the approval of the Minister, build and operate the necessary facilities. Agreements between boards

(3) All land acquired by a board under subsection 1 or 2, so long as it is held by the board and is not situated, Taxation

(*a*) within the jurisdiction of the board or within the jurisdiction of another board with which the board has entered into an agreement under subsection 2; or

(*b*) in the case of a separate school board, within the area designated in respect of such board by regulation made under subsection 2 of section 103,

is subject to taxation for municipal and school purposes in the municipality in which it is situate.

Agreements with conservation authorities, etc.

(4) A board may enter into an agreement with a conservation or other appropriate authority under which the board may, with the approval of the Minister, construct and maintain on lands owned by the authority the necessary facilities for the purpose of conducting a natural science program or other out-of-classroom program.

Idem

(5) A board that conducts a natural science, conservation or other out-of-classroom program may enter into an agreement with a conservation or other appropriate authority for the use of the facilities and personnel of such authority for the purpose of conducting such a program as directed by the board. 1972, c. 77, s. 29.

Idem

(6) One or more boards may enter into an agreement with a conservation or other appropriate authority to provide for the construction, furnishing and equipping by the authority on lands owned by the authority of facilities for the purposes of conducting a natural science, conservation or other out-of-classroom program as directed by the board or one or more of the boards and, where under the agreement a board is required to pay all or part of the cost of the facilities, the construction of the facilities shall be first approved by the Minister, and the amount paid therefor by the board shall be deemed to be an expenditure made by the board for a permanent improvement. *New.*

Board and lodging for courses in conservation

(7) A board may provide or pay for board and lodging for a pupil for a period not exceeding two weeks in any year while he participates, with the consent of his parent or guardian and with the permission of the board, in a natural science, conservation or other out-of-classroom program. R.S.O. 1970, c. 424, s. 34, par. 34.

Officers

Duties of secretary

171.—(1) The secretary of a board is responsible for,

(*a*) keeping a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board and ensuring that the minutes when confirmed are signed by the chairman or presiding member;

(*b*) transmitting to the Ministry copies of reports requested by the Ministry;

(*c*) giving notice of all meetings of the board to each of the members by notifying him personally or in writing or by sending a written notice to his residence;

(*d*) calling a special meeting of the board on the request in writing of the majority of the members of the board; and

(*e*) performing such other duties as may be required of him by the regulations, by this Act or by the board. R.S.O. 1970, c. 424, s. 51; R.S.O. 1970, c. 430, s. 32, *amended*.

Security by officers

(2) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safekeeping as directed by the board.

Form of security

(3) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1970, c. 424, s. 52.

R.S.O. 1970, c. 196

Failure to take security

(4) If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such moneys, which may be recovered by the board or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers in a court of competent jurisdiction, but no member is liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1970, c. 424, s. 59.

Duties of treasurer

(5) Every treasurer of a board shall,

(*a*) receive and account for all school moneys;

(*b*) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit as may be approved by the board;

(*c*) deposit all moneys received by him on account of the board, and no other moneys, to the credit of such account or accounts;

(*d*) disburse all moneys as directed by the board; and

(*e*) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board. R.S.O. 1970, c. 424, s. 53.

Business administrator

(6) Where a board determines that one or more persons should be employed full time to carry out the duties of a secretary or treasurer or both, it may appoint one or more business administrators and one or more assistant business administrators and may assign to a person so appointed any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings. R.S.O. 1970, c. 424, s. 41.

Responsibility of officers

172. Every officer appointed by a board is responsible to the board through its chief executive officer for the performance of the duties assigned to him by the board. *New.*

School Board Advisory Committees

Interpretation

173. In sections 174 to 178, "committee" means a school board advisory committee established under section 174. R.S.O. 1970, c. 424, s. 83 (*b*).

Committee establishment

174. A board of education, a county or district combined separate school board or the Metropolitan Separate School Board may establish a school board advisory committee. R.S.O. 1970, c. 424, s. 84.

Composition

175.—(1) The committee shall be composed of,

(*a*) three members of the board appointed by the board;

(*b*) the chief education officer of the board or his nominee;

(*c*) six teachers employed by the board, appointed by the teachers in the employ of the board;

(*d*) four persons appointed by the board who are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and

(*e*) the persons appointed under subsections 2 and 3. R.S.O. 1970, c. 424, s. 85 (1).

Separate school board

(2) In the case of a separate school board,

(*a*) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations

of Ontario organized in the area of jurisdiction of the board so recommend, the board shall appoint to the committee one person selected by the Council or Councils;

(*b*) where the Federation des Associations de Parents et Instituteurs de langue francaise de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and

(*c*) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*. 1972, c. 77, s. 34 (1).

Board of education

(3) In the case of a board of education,

(*a*) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;

(*b*) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council;

(*c*) where the Federation des Associations de Parents et Instituteurs de langue francaise de l'Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint one person selected by the regional section and, where there is no regional section, by the local section of such Federation; and

(*d*) where no appointment is made under any two of clause *a*, *b* or *c*, two members may be appointed under the remaining clause. R.S.O. 1970, c. 424, s. 85 (3); 1972, c. 77, s. 34 (2).

Notice of teacher appointees

(4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause *c* of subsection 1.

Appointment and term of office

(5) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year.

Reappointment

(6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.

Vacancies

(7) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member. R.S.O. 1970, c. 424, s. 85 (4-7).

First meeting

176.—(1) The chairman of the board shall call the first meeting of the committee not later than the 28th day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.

Chairman

(2) The chairman of the committee shall be elected by the committee at its first meeting in each year.

Quorum

(3) Eight members of the committee constitute a quorum and a vote of the majority of the members present is necessary to bind the committee.

Sub-committees

(4) The committee may establish such sub-committees as it considers necessary. R.S.O. 1970, c. 424, s. 86.

Recording secretary

177.—(1) The board shall provide a recording secretary for the committee.

Budget

(2) The committee shall, as required by the board, submit to the board for approval a budget of its estimated expenditures for the calendar year.

Expenditures

(3) The board shall pay such expenditures of the committee as are approved by the board. R.S.O. 1970, c. 424, s. 87.

Powers of committee

178.—(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board.

Limitation

(2) Notwithstanding subsection 1, the committee shall not concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.

(3) The board shall consider any report or recommendation submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board. R.S.O. 1970, c. 424, s. 88. Consideration of reports

Access to Meetings and Records

179.—(1) The meetings of a board and meetings of a committee of the board, including a committee of the whole board, shall be open to the public except where a board determines that certain meetings of a committee of the board, including a committee of the whole board, shall not be open to the public, and no person shall be excluded from a meeting that is open to the public except for improper conduct. Open meetings of boards

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1970, c. 424, s. 47, *amended*. Exclusion of persons

(3) Any person may, at all reasonable hours, at the head office of the board inspect the minute book, the audited annual financial report and the current accounts of a board, and, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, the secretary shall furnish copies of them or extracts therefrom certified under his hand. R.S.O. 1970, c. 424, s. 54; 1972, c. 77, s. 25. Inspection of books and accounts

Board Meetings

180.—(1) A board shall be deemed to be constituted when a majority of the members to be elected or appointed has been elected or appointed. When board deemed constituted

(2) Where a board is elected or appointed, First meeting

(*a*) on or before the 31st day of December in any year, to be established in the following year, it shall hold its first meeting at 8.00 p.m. on the second Wednesday in January of the following year; and

(*b*) on or after the 1st day of January in any year, to be established in that year, it shall hold its first meeting at 8.00 p.m. on the second Wednesday following the election or appointment.

Supervisory officer may provide for calling first meeting

(3) Notwithstanding subsection 2, on the petition of a majority of the members of a newly elected or appointed board, the appropriate supervisory officer may provide for calling the first meeting of the board at some other time and date.

Presiding officer

(4) At the first meeting in each year, the chief executive officer shall preside until the election of the chairman or, if there is no chief executive officer or in his absence, the members present shall designate who shall preside at the election of the chairman and if a member of the board is so designated, he may vote at the election of the chairman.

Election of chairman

(5) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings.

Subsequent meetings

(6) Subsequent meetings of the board shall be held at such time and place as the board considers expedient.

Vice-chairman

(7) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman.

Where equality of votes

(8) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be.

Temporary chairman

(9) If at any meeting there is no chairman or vice-chairman present, the members present may elect one of themselves to be chairman for that meeting.

Temporary secretary

(10) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting.

Quorum

(11) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum.

(12) Subject to subsection 4 of section 53, the presiding officer, except where he is the chief executive officer of the board and is not a member, may vote with the other members of the board upon all motions, and any motion on which there is an equality of votes is lost. R.S.O. 1970, c. 424, s. 48 (1-12), *amended*. Chairman, voting; equality of votes

(13) Special meetings of the board may be called by the chairman and in such other manner as the board may determine. R.S.O. 1970, c. 424, s. 48 (13); R.S.O. 1970, c. 430, s. 49, *amended*. Special meetings

181.—(1) Except as provided in subsection 2, every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, or on or before the day of the first meeting that he attends, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned: Declaration

DECLARATION

I,..... *A.B.*, do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at .....in the County or District of .....this .....day of ....., 19.. } *A.B.*

(2) Where a person is elected or appointed to fill a vacancy on a board, he shall make such declaration on or before the day fixed for holding the first meeting of the board after his election or appointment or on or before the day of the first meeting that he attends and in default he shall be deemed to have resigned. Idem

Oath of allegiance

(3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

A.B.
I, ..., do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at .....in the County or District of .....this .....day of ..... 19.

A.B.

Filing of declaration and oath

(4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be. R.S.O. 1970, c. 424, s. 49.

Arbitrators

Arbitrators to send copy of award to board, etc.

182.—(1) Arbitrators acting under this Act shall send a copy of their award forthwith after the making thereof to the chief executive officer of the board and to the clerk of each municipality affected. R.S.O. 1970, c. 424, s. 102 (1); 1972, c. 77, s. 35.

Liability of parties for costs

(2) Such arbitrators shall determine the costs of the arbitration and shall direct to whom and by whom and in what manner such costs or any part thereof, and the fees under subsection 4, shall be paid, and such determination and direction is final.

Expenses

(3) An arbitrator is entitled to an allowance of 15 cents for each mile necessarily travelled by him to and from his residence to attend meetings of arbitrators together with his actual expenses for room and meals, incurred while attending such meetings, and such costs shall be included in the costs of the arbitration.

Fees

(4) Each arbitrator, shall be paid a fee,

(*a*) in the case of the Ontario Municipal Board, as determined by the Board;

(*b*) in the case of an arbitrator other than a supervisory officer, judge or member of the Ontario Municipal Board, at the rate of $20 for each sitting of a half-day or fraction thereof.

Application

(5) This section does not apply to a Board of Reference or the members thereof. R.S.O. 1970, c. 424, s. 102 (2-5), *amended*.

(6) This section, except subsection 4, applies to treasurers of municipalities who meet to arbitrate the apportionment of costs within a school division. *New.* Application to treasurers

Offences and Penalties

183. Every person who wilfully makes a false statement in a declaration required to be made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 424, s. 89, *amended.* False declaration

184.—(1) Every person who wilfully interrupts or disquiets the proceedings of a school or class is guilty of an offence and on summary conviction is liable to a fine of not more than $100. Disturbances

(2) Every person who, with intent, to prevent the discussion of any matter or the passing of any motion at a meeting of a board, or a committee of a board including a committee of the whole board disrupts or endeavours to disturb or interrupt the meeting after having been expelled or excluded from the meeting is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 424, s. 90, *amended.* Idem

185.—(1) Every member of a board who sits or votes at any meeting of the board after becoming disqualified from sitting is guilty of an offence and on summary conviction is liable to a fine of not more than $100 for every meeting at which he so sits or votes. R.S.O. 1970, c. 424, s. 91 (3), *amended.* Acting while disqualified

(2) Every member of a board who knowingly signs a false report and every teacher who keeps a false school register or makes a false return is guilty of an offence and on summary conviction is liable to a fine of not more than $100. R.S.O. 1970, c. 424, s. 94, *amended.* False reports and registers

186. Every member of a board and every officer thereof who, Information to auditors

(*a*) withholds from the auditor access, at all reasonable hours, to the books, records, documents and vouchers of the board; or

(*b*) refuses or neglects to provide such information and explanations as the auditor may require,

is guilty of an offence and on summary conviction is liable to a fine of not more than $100, but no person is liable if he proves that he has made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1970, c. 424, s. 93, *amended.*

Delivery up of books and money

187.—(1) A person who holds or has held the office of treasurer, secretary or secretary-treasurer, and a member or other person who has in his possession any book, paper, chattel or money that came into his possession as such treasurer, secretary, secretary-treasurer, member or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

Summons for appearance

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, member or person to appear before him at a time and place appointed by him.

Service of summons

(3) A bailiff of a small claims court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a person apparently not under the age of sixteen years.

Order to account

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of the opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. R.S.O. 1970, c. 424, s. 96 (1-4).

Other remedy not affected

(5) Such proceedings do not impair or affect any other remedy that the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1970, c. 424, s. 96 (8).

Compelling delivery of books, money, etc., on dissolution of school corporation

188.—(1) Section 187 applies to the case of any person who has in his possession any books, paper, chattel or money that came into his possession as secretary or treasurer, or member, or otherwise, of a board that has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money as provided in this Act and failing any such provision, as directed by the Minister, and in default thereof, proceedings may be taken against the person by two ratepayers in the same manner as in the case provided for by section 187 and that section *mutatis mutandis* applies.

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, member or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, member or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1970, c. 424, s. 97, *amended*. Application of subs. 1

189.—(1) No teacher, supervisory officer or other employee of a board or of the Ministry shall, for compensation of any kind other than his salary as such employee, promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein. Promotion or sale of books, etc., by employees of board or Ministry to board, pupil, etc., prohibited

(2) Subsection 1 does not apply to a teacher, supervisory officer or any other employee in respect of a book or other teaching or learning materials of which he is an author where the only compensation that he receives in respect thereof is a fee or royalty thereon. Exception for authors

(3) No person or organization or agent thereof shall employ a teacher, supervisory officer or other employee of a board or of the Ministry to promote, offer for sale or sell, directly or indirectly, any book or other teaching or learning materials, equipment, furniture, stationery or other article to any board, provincial school or teachers' college, or to any pupil enrolled therein, or shall, directly or indirectly, give or pay compensation to any such teacher, supervisory officer or employee for such purpose. Employment of employee of board or Ministry to promote sale of books, etc., to board, pupil, etc., prohibited

(4) Every person who contravenes any provision of subsection 1 or 3 is guilty of an offence and on summary conviction is liable to a fine of not more than $500. R.S.O. 1970, c. 424, s. 98, *amended*. Penalty

Validity of Elections

190.—(1) Any person entitled to vote at the election of members of a board may commence an action by writ in the county or district court in the county or district in which the head office of the board is situate for a declaration that the office of a member of such board has become vacant under section 112, 181, 192, 193 or 202. Action for declaration that seat vacant

(2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the board came to the knowledge of the person bringing such action. Time for bringing action

Power of court

(3) Where in an action under this section the court finds that the office of a member of the board has become vacant, the court may order that the member be removed from office and declare that the office is vacant.

Application of 1972, c. 95

(4) The provisions of sections 105 to 108 and 112 of *The Municipal Elections Act, 1972* apply *mutatis mutandis* to an action brought under this section.

Joining of claims

(5) A claim in an action under this section may be joined with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claim may be heard and disposed of in the same action. 1973, c. 92, s. 14.

Validity of elections and corrupt practices

(6) The provisions of *The Municipal Elections Act, 1972* in respect of the validity of elections and corrupt practices apply to an election of trustees that is not conducted under *The Municipal Elections Act, 1972*. 1972, c. 137, s. 2; 1973, c. 37, s. 3, *amended*.

PART VII

BOARD MEMBERS—QUALIFICATIONS, RESIGNATIONS AND VACANCIES

Employee disqualified

191. An employee of a board is not eligible to be elected a member of the board by which he is employed or entitled to sit or vote thereon. 1972, c. 77, s. 26.

Qualifications of members

192.—(1) A person is qualified to be elected as a member of a board if he is,

(*a*) a Canadian citizen;

(*b*) of the full age of eighteen years;

(*c*) a resident within the area of jurisdiction of the board; and

(*d*) in the case of,

(i) a public school board, a public school elector,

(ii) a Roman Catholic separate school board, a separate school elector,

(iii) a member of a board of education to be elected by public school electors, a public school elector, and

(iv) a member of a board of education to be elected by separate school electors, a separate school elector. R.S.O. 1970, c. 385, s. 13 (1); R.S.O. 1970, c. 425, ss. 5 (1), 39 (1); R.S.O. 1970, c. 430, s. 19; 1971, c. 98, s. 4, Sched., pars. 27, 29, 31; 1972, c. 74, s. 2 (1); 1972, c. 75, s. 2 (1).

Members eligible for re-election

(2) A member of a board is eligible for re-election if otherwise qualified. R.S.O. 1970, c. 425, s. 39 (2).

Disqualification

(3) A person is not qualified to be elected or to act as a member of a board,

(*a*) who is,

(i) a member of any other board, or

(ii) a member of the council or an elected member of a local board as defined in *The Municipal Affairs Act*, of a municipality, including a metropolitan or regional municipality and The District Municipality of Muskoka, all or part of which is included in the area of jurisdiction of the board,

R.S.O. 1970, c. 118

and whose term of office has at least two months to run after the last day for filing nominations for a new election unless before the closing of nominations he has filed his resignation with the secretary of the other board or with the clerk of the municipality, as the case may be;

(*b*) who is the clerk or treasurer of a county or municipality, including a metropolitan or regional municipality and The District Municipality of Muskoka, all or part of which is included in the area of jurisdiction of the board;

(*c*) who is a member of the Assembly or of the Senate or House of Commons of Canada; or

(*d*) who is otherwise ineligible or disqualified under this or any other Act. R.S.O. 1970, c. 385, s. 13 (2); R.S.O. 1970, c. 425, ss. 5 (2), 39 (3); 1972, c. 74, s. 2 (2, 3); 1972, c. 75, ss. 2 (2, 3), 12, *amended*.

Qualification to act as member

(4) A person is qualified to act as a member of a board during the term for which he was elected so long as he continues to hold the qualifications required for election as a member of the board and does not become disqualified under subsection 3. R.S.O. 1970, c. 385, s. 13 (3); R.S.O. 1970, c. 425, ss. 5 (3), 39 (4).

Person not to be candidate for more than one seat

(5) No person shall qualify himself as a candidate for more than one seat on a board, and any person who so qualifies himself and is elected to hold one or more seats on the board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated. R.S.O. 1970, c. 425, s. 39 (5).

Exception

(6) Notwithstanding subsection 4, a member of a Roman Catholic separate school board who was elected or appointed prior to the coming into force of this Act shall not be disqualified during the term of office for which he was elected or appointed by reason of not holding the qualifications required under clause *c* or *d* of subsection 1. *New.*

Members to remain in office

193.—(1) The members of a board shall remain in office until their successors are elected and the new board is organized. R.S.O. 1970, c. 385, s. 19 (2), *amended.*

Board not to cease for want of members

(2) A board does not cease to exist by reason only of the lack of members. R.S.O. 1970, c. 385, s. 14.

Resignation of members

(3) A member of a board, with the consent of a majority of the members present at a meeting, entered upon the minutes of it, may resign as a member, but he shall not vote on a motion as to his own resignation and may not resign as a member if his resignation will reduce the number of members of the board to less than a quorum.

Resignation to become candidate for some other office

(4) Notwithstanding subsection 3, where it is necessary for a member of a board to resign to become a candidate for some other office, he may resign by filing his resignation, including a statement that he is resigning for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on the 31st day of December after it is so filed or the day preceding the day upon which the term of such office commences, whichever is the earlier. R.S.O. 1970, c. 424, s. 50, *amended.*

Vacancies on public and secondary school boards

194.—(1) Subject to section 198, where, in respect of a board, the office of a member elected by public school electors, except a board composed of three members, becomes vacant from any cause before the expiration of the term for which he was elected and,

(*a*) the remaining members elected by public school electors constitute a majority of the members of the board elected by public school electors, a majority of such remaining members shall at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or

(*b*) there are no remaining members elected by public school electors or the remaining members elected by public school electors do not constitute a majority of the members elected by public school electors, a new election shall be held to fill the vacancy or vacancies,

and every member so appointed or elected shall hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 385, s. 22 (1); R.S.O. 1970, c. 425, s. 42 (1); 1972, c. 74, s. 8, *amended*.

Vacancy in office of member elected by separate school electors

(2) Subject to section 198, where, in respect of a board of education, the office of a member elected by separate school electors becomes vacant from any cause before the expiration of the term for which he was elected, and,

(*a*) the remaining members elected by separate school electors constitute a majority of the members elected by separate school electors, a majority of such remaining members shall at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or

(*b*) there are no remaining members elected by separate school electors or the remaining members elected by separate school electors are not a majority of the members elected by separate school electors, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils

below the third year of the Intermediate Division who resided in the school division, as certified by the appropriate supervisory officer,

and the person so appointed shall hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 425, s. 42 (2), *amended*.

All offices vacant

(3) Subject to section 198 and notwithstanding subsection 2, where the offices of all members of a board of education become vacant from any cause, a new election shall be held to fill all such vacancies, and the members so elected shall hold office for the remainder of the term of their predecessors. R.S.O. 1970, c. 425, s. 42 (3).

Where election held to fill a vacancy

1972, c. 95

(4) Notwithstanding subsections 1 to 3, where the elections of a board are held under *The Municipal Elections Act, 1972*, a board may require that an election be held to fill a vacancy on the board and, where an election is so held, the provisions of that Act that pertain to an election to fill a vacancy apply. 1972, c. 74, s. 8; 1972, c. 75, s. 14; 1972, c. 76, s. 15.

Vacancies on board of district school area

195.—(1) Where a vacancy occurs from any cause in the office of a member of a district school area board composed of only three members, the remaining members shall forthwith hold a new election to fill the vacancy in the manner provided for holding the election of the board, and the person elected shall hold office for the remainder of the term of his predecessor.

Where one trustee or no trustee

(2) If at any time there are no remaining members, or only one remaining member, of the board of a district school area, any two electors of the district school area, or the appropriate supervisory officer, by giving six days notice posted up in at least three public places in the district school area, may call a meeting of the electors who shall elect three or two members, as the case may be, in the manner provided in subsection 1. R.S.O. 1970, c. 385, s. 33 (8, 9), *amended*.

Vacancy on separate school board other than rural

196. Subject to section 198, where the office of a trustee of a separate school board, other than a rural separate school board, becomes vacant from any cause before the expiration of the term for which he was elected and,

(*a*) the remaining members constitute a majority of the membership of the board, a majority of the remaining members shall, at the first regular meeting after the vacancy occurs, appoint a qualified person to fill the vacancy; or

(*b*) there are no remaining members or the remaining members do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancy or vacancies,

and every member so appointed or elected shall hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 430, ss. 52 (3, 4), 91 (5), *amended*.

Vacancy on rural separate school board

197.—(1) Where a vacancy occurs from any cause in the office of a trustee,

(*a*) of a rural separate school before the trustees become a body corporate; or

(*b*) of a rural separate school board,

the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the remainder of the term of his predecessor.

Proceedings at new election

(2) The new election shall be conducted in the same manner and is subject to the same provisions as for an election of the whole board. R.S.O. 1970, c. 430, s. 52 (1, 2), *amended*.

Vacancy on board

198. Where a vacancy occurs on a board,

(*a*) within one month before the next ensuing election, it shall not be filled; or

(*b*) after the election, but before the new board is organized, it shall be filled immediately after the new board is organized in the same manner as for a vacancy that occurs after the board is organized. R.S.O. 1970, c. 430, ss. 52 (5) (*a*, *b*), 91 (5); 1972, c. 74, s. 8, *part*, *amended*.

Election to fill vacancy

199. Where an election is required to fill a vacancy on a board, except a board composed of only three members, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. R.S.O. 1970, c. 425, s. 42 (4), *amended*.

Appointment of trustees on failure of qualified person

200. Where the appropriate supervisory officer reports that no persons duly qualified are available or that the electors have failed to elect members of a district school area board,

the Minister may appoint as members of the board such persons as he may consider proper, and the persons so appointed have, during the term of such appointment, all the authority of a board as though they were eligible and duly elected according to this Act. R.S.O. 1970, c. 385, s. 22 (4), *amended*.

When tie vote for vacancy on board

201. When, at a regular meeting of a board or at a special meeting called to fill a vacancy or vacancies on a district school area board, two or more candidates for office receive an equal number of votes, the chairman of the meeting shall provide for the drawing of lots to determine which of the candidates is elected. R.S.O. 1970, c. 385, s. 33 (10), *amended*.

Seat vacated by conviction

202.—(1) If a member of a board is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes, from three consecutive regular meetings of the board, or ceases to hold the qualifications required to act as a member of the board or becomes disqualified under subsection 3 of section 192, he thereby vacates his seat, and the provisions of this Act with respect to the filling of vacancies apply.

Proviso

(2) Notwithstanding subsection 1, where a member of a board is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1970, c. 424, s. 57, *amended*.

PART VIII

FINANCE

Interpretation

203.—(1) In this section, "board" means a divisional board and a county or district combined separate school board. *New*.

Appointment and dismissal of auditor

(2) Every board shall appoint an auditor who shall be a person licensed by the Ministry of Treasury, Economics and Intergovernmental Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the board.

Disqualification of auditor

(3) No person shall be appointed as an auditor of a board who is or during the preceding year was a member of the board or who has or during the preceding year had any

direct or indirect interest in any contract or any employment with the board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect.

Duties of auditor

(4) An auditor of a board shall perform such duties as are prescribed by the Minister and by the Minister of Treasury, Economics and Intergovernmental Affairs and also such duties as may be required by the board that do not conflict with the duties prescribed by the Minister and by the Minister of Treasury, Economics and Intergovernmental Affairs.

Rights of auditor

(5) An auditor of a board has the right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the board and is entitled to require from the members and officers of the board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

Auditor may take evidence

(6) An auditor of a board may require any person to give evidence on oath touching on any such matters, and for such purpose has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

Auditor may attend meetings

(7) An auditor of a board is entitled to attend any meeting of the board or of a committee thereof and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

Publication of financial statements

(8) The treasurer of every board in every year shall, within one month after receiving the auditor's report on the financial statements of the board, cause to be published or to be mailed or delivered to each ratepayer a copy of the financial statements of the board for the preceding year in such form as the Minister may prescribe, together with a copy of the report of the auditor.

Idem

(9) Where in any year a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 8 cause to be included with such notice the copy or summary and the report.

Filing of financial statements

(10) The treasurer of every board in every year shall prepare the financial statements of the board and, upon receiving the auditor's report thereon, shall forthwith submit two copies

of the financial statements together with a copy of the auditor's report to the Ministry. R.S.O. 1970, c. 425, s. 36; R.S.O. 1970, c. 430, ss. 88, 89, *amended*.

Debentures

204.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively. R.S.O. 1970, c. 425, s. 35 (1); 1971, c. 68, s. 5 (1).

R.S.O. 1970, c. 284

Temporary advances pending sale of debentures

(2) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board. 1971, c. 68, s. 5 (2).

Notification of debt charges

(3) The clerk-treasurer or treasurer of each county and municipality in which a divisional board has jurisdiction shall notify the treasurer of the divisional board before the 1st day of January in each year of the amount of the principal and interest due and payable in that year in respect of debentures issued for school purposes by such county or municipality and the dates on which payments are due.

Payment of debt charges for debentures not issued by the board

(4) The treasurer of the divisional board shall pay to every county and municipality on or before the due date of payment the amount of the principal and interest as notified under subsection 3. R.S.O. 1970, c. 425, s. 35 (2, 3).

Withholding from debenture levy

(5) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board. R.S.O. 1970, c. 424, s. 79 (1); 1971, c. 90, s. 12.

Deficiency payable by board

(6) Where the debt charges payable by a municipality referred to in subsection 5 on behalf of a board are more than the amount levied by the municipality for the cost of

operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable. R.S.O. 1970, c. 424, s. 79 (2).

Estimates

205.—(1) Every divisional board in each year shall prepare and adopt estimates of all sums required during the year for public school purposes and for secondary school purposes respectively, and such estimates,

(*a*) shall set forth the estimated revenues and expenditures of the board including debt charges payable by the divisional board or on its behalf by the council of a municipality or a county;

(*b*) shall make due allowance for a surplus of any previous year that will be available during the current year;

(*c*) shall provide for any deficit of any previous year;

(*d*) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 33 of subsection 1 of section 1 and any sum allocated to a reserve fund,

(i) for secondary school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

(ii) for public school purposes, shall not exceed an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division; and

(*e*) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided,

and shall submit to the council of each municipality all or part of which is in the school division on or before the 1st

day of March in each year a statement indicating the amount of the estimates for public school purposes and for secondary school purposes to be raised by each council and a requisition of the amount of the estimates for public school purposes and for secondary school purposes required to be raised by the council in respect of the municipality or part thereof. R.S.O. 1970, c. 424, ss. 75 (2), 76, 77; R.S.O. 1970, c. 425, s. 31 (1); 1972, c. 75, s. 7 (1).

Interpretation

(2) In subsection 1, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the estimates are adopted as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister. 1972, c. 75, s. 7 (2).

Cost to be included in estimates

(3) The cost of operation of schools for trainable retarded children shall be included in the estimates of the divisional board for secondary school purposes under subsection 1. R.S.O. 1970, c. 425, s. 76, *amended*.

Reserve fund limitation exception

(4) The limitation on the sum that a board may allocate to a reserve fund under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements.

Idem

(5) The limitation on the sum that a board may include in its estimates for permanent improvements under clause *d* of subsection 1 does not apply to revenue received by a board in any year from the sale or disposal of, or insurance proceeds in respect of, permanent improvements or to an expenditure from a reserve fund for the purpose for which such fund was established or to the portion of an expenditure for a permanent improvement receivable by way of a grant under section 9 of *The Community Centres Act* or receivable from a municipality pursuant to an agreement under section 157.

R.S.O. 1970, c. 73

Expenditure of reserve fund moneys

(6) The moneys raised for, or held in, a reserve fund by a board shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Minister and subsection 4 of section 308 of *The Municipal Act* does not apply to such moneys. 1972, c. 136, s. 3.

R.S.O. 1970, c. 284

Where estimates submitted after March 1st

(7) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the 1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 208 to levy and collect the amount required by the divisional board.

(8) Where, in any year, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board. Where cost of separate levy payable by divisional board

(9) Subsection 5 of section 307 of *The Municipal Act* does not apply to divisional boards. R.S.O. 1970, c. 425, s. 31 (2-4). Requirement re estimates R.S.O. 1970, c. 284

(10) Except where inconsistent with the provisions of *The Municipality of Metropolitan Toronto Act*, this section applies, *mutatis mutandis*, to a board of education for an area municipality under such Act. *New*. Application to board of education R.S.O. 1970, c. 295

(11) The provisions of this section that apply in respect of the public school purposes of a divisional board apply to a public school board. 1973, c. 37, s. 7, *amended*. Application to public school board

(12) The provisions of this section that apply in respect of the secondary school purposes of a divisional board apply to a secondary school board. 1972, c. 136, s. 1. Interpretation

206.—(1) In this section, "equalized assessment" for a municipality or a locality means the assessment upon which taxes are levied in the municipality or locality, as the case may be, in the year for which the apportionment is made as adjusted by the latest assessment equalization factor applicable thereto that is provided by the Minister. 1972, c. 75, s. 8 (1). Application to secondary school board

(2) Where, in any year, territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 10 may be made within thirty days after receiving the apportionment from the divisional board. R.S.O. 1970, c. 425, s. 32 (2). Apportionment where unorganized territory becomes part of school division

(3) The sum required by a divisional board for secondary school purposes shall be apportioned among the municipalities and localities in the school division in the proportion that the equalized assessment of the property rateable for secondary school purposes in each such municipality or locality bears to the equalized assessment of all the property Apportionment, secondary school purposes

rateable for secondary school purposes in the school division. R.S.O. 1970, c. 425, s. 32 (3); 1972, c. 75, s. 8 (2).

Apportionment, public school purposes

(4) The sum required by a divisional board for public school purposes shall be apportioned among the municipalities and localities in the school division in the proportion that the equalized assessment of the property rateable for public school purposes in each such municipality or locality bears to the equalized assessment of all the property rateable for public school purposes in the school division. R.S.O. 1970, c. 425, s. 32 (4); 1972, c. 75, s. 8 (3).

Request for arbitration

(5) Where, in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 3 or 4 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year. R.S.O. 1970, c. 425, s. 32 (5).

Arbitrators

(6) Upon receipt of the application, the divisional board shall direct its chief executive officer to call a meeting of the treasurer of the county or the regional municipality or, in the case of The Muskoka Board of Education, the treasurer of The District Municipality of Muskoka and the treasurers of the municipalities within the school division, and these treasurers shall be arbitrators to determine the proportion of the amounts to be raised by each municipality. R.S.O. 1970, c. 425, s. 32 (7); 1972, c. 75, s. 8 (4).

Notification of decision

(7) The arbitrators shall make their decision in writing and file a copy thereof with the chief executive officer of the divisional board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail.

Reference to O.M.B.

(8) If, within thirty days of the mailing of copies of the decision by the chief executive officer, the council of one of the municipalities files with the chief executive officer a written objection to the decision of the arbitrators, the divisional board shall refer the matter to the Ontario Municipal Board whose decision is final.

Effect of decision

(9) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made.

Territory without municipal organization

(10) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council of a municipality under subsections 5 and 8 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the chief executive officer of the divisional board shall designate the person so to act. R.S.O. 1970, c. 425, s. 32 (8-11).

Adjustment as result of arbitration

(11) Where in respect of any year a municipality in a school division has, under section 208, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the year following the year in which a final decision is received by the board except that, where such decision is received by the board in January, the adjustment shall be made in the levy for the year in which the decision is received. R.S.O. 1970, c. 425, s. 32 (12); 1973, c. 91, s. 2.

Regulations for apportionment in year 1970 and any subsequent year

207.—(1) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for any year among the municipalities or parts thereof and localities in the school division. R.S.O. 1970, c. 425, s. 33 (2); 1972, c. 75, s. 9 (2).

Apportionment

(2) Notwithstanding subsections 3 and 4 of section 206, the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation made under this section is applicable shall be apportioned among the municipalities or parts thereof and localities in the school division in accordance with such regulation. R.S.O. 1970, c. 425, s. 33 (3); 1972, c. 75, s. 9 (3).

Where estimated data used

(3) Where, in making the apportionment in accordance with a regulation made under this section, estimated data are used, an overpayment or an underpayment by a municipality or part thereof or a locality, determined on the basis of actual data, shall be adjusted in the levy for the following year. R.S.O. 1970, c. 425, s. 33 (4); 1972, c. 75, s. 9 (4).

Application of grants

(4) Where the regulations provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

Request for arbitration

(5) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part thereof, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 5 to 11 of section 206 apply *mutatis mutandis*. R.S.O. 1970, c. 425, s. 33 (5, 6).

Rates

208.—(1) The council of each municipality in a school division in each year shall levy and collect,

(*a*) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and

(*b*) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

Payment to boards

(2) Subject to subsection 3, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public school purposes and for secondary school purposes, in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;

2. 25 per cent of such amounts on the 30th day of June;

3. 25 per cent of such amounts on the 30th day of September; and

4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon

from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Agreement

(3) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division as determined under subsection 1 of section 206, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to all municipalities in the school division and otherwise subsection 2 applies *mutatis mutandis*.

Termination of agreement

(4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year,

(*a*) by the chief executive officer of the divisional board as authorized by a resolution of the divisional board; or

(*b*) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division as determined under subsection 1 of section 206,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

Where instalment due before requisition received

(5) Where, in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received. R.S.O. 1970, c. 425, s. 34 (1-5).

Application to separate schools

(6) Where a combined separate school board has requested the municipalities that are in whole or in part within the combined separate school zone to levy and collect the rates or taxes imposed by the board, the provisions of subsections 1 to 5 apply *mutatis mutandis* to such board and such municipalities except that reference to equalized assessment in the school division shall be deemed to refer to equalized

assessment rateable for separate school purposes in the combined zone. R.S.O. 1970, c. 430, s. 87 (2-5), *amended*.

Application to public school board

(7) The provisions of this section that apply in respect of the public school purposes of a divisional board apply in respect of a public school board. 1971, c. 69, s. 6, *amended*.

Tax notices

209.—(1) Where taxes are collected by a municipal council for the purposes of a board, the notice of taxes given by the collector under section 521 of *The Municipal Act* shall be given separately in relation to taxes imposed for public, secondary or separate school purposes or in such manner as will clearly indicate the taxes imposed for such school purposes. R.S.O. 1970, c. 425, s. 34 (6).

R.S.O. 1970, c. 284

Municipality to account for moneys

(2) The council of a municipality shall annually account for all moneys collected for school purposes, and any sum collected in excess of the amount required by a board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following. 1971, c. 68, s. 2.

Correction of errors in collection of rates in previous years

(3) The council of a municipality shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from, or be compelled to pay more than, its proper proportion of the rate. R.S.O. 1970, c. 385, s. 48.

Current borrowing

210.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time by way of a promissory note, such sums as the board considers necessary to meet the current expenditures of the board until the current revenue has been received, provided that the interest and any other charges connected therewith do not exceed the interest that would be payable at the minimum lending rate of the majority of chartered banks on the date of borrowing. 1973, c. 92, s. 17.

Debt charges

(2) A board may also borrow, in the manner provided in subsection 1, such sums as the board considers necessary to meet debt charges payable in any year until the current revenue has been received.

Limitation

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings that have not been repaid, shall not exceed the unreceived or uncollected balance of the estimated revenues of the board, as set forth in the estimates adopted for the year.

When limitation calculated on estimated revenue

(4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of resolution authorizing borrowing

(5) At the time, in any year, that any amount is borrowed under this section, the treasurer shall furnish to the lender a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the lender, a statement showing the amount of the estimated revenues of the current year not yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total amounts borrowed under this section in the current year that have not been repaid.

Estimated revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. R.S.O. 1970, c. 424, s. 71 (2-6).

When fees payable by boards

211. The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and enrolment for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school year. R.S.O. 1970, c. 424, s. 72 (5).

Reduction of requisition or rates

212.—(1) Where, in any year, provision is made by regulation for a grant to a board for the purpose of limiting in such year the amount of the requisition for public or secondary school purposes or the increase in the mill rate for separate school purposes in respect of,

(*a*) a municipality or part thereof; or

(*b*) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality. R.S.O. 1970, c. 424, s. 73 (1), *amended*.

Adjustment of rates where under- or over-levy

(2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

(*a*) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality under Part III for public and secondary school purposes or under Part IV for separate school purposes;

differs from

(*b*) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of this Act after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory

without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

Levy for difference

(3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof. 1971, c. 90, s. 11.

Where difference not dealt with under subss. 2, 3

(4) Where a difference referred to in subsection 2 was not dealt with by a board in accordance with subsection 2 or 3 before the 1st day of January, 1972, such difference shall be dealt with by the board as if it had been first ascertained in the year 1972. 1972, c. 77, s. 33.

Interpretation

213. In sections 214, 215 and 216,

(*a*) "commercial assessment" means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,

according to the last revised assessment roll;

(*b*) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in subclauses i and iii of clause *a*, according to the last revised assessment roll. R.S.O. 1970, c. 424, s. 74.

Data furnished by the municipality

214. The clerk of a municipality shall in each year furnish to each board having jurisdiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be

levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board. R.S.O. 1970, c. 424, s. 75 (1).

Determination of rates

215.—(1) Rates to be levied for each board in each municipality or part thereof or part of territory without municipal organization shall be determined in the following manner:

1. Add 90 per cent of the residential and farm assessment in the municipality or part or part of territory without municipal organization to the commercial assessment thereof.

2. Multiply the amount estimated by the board to be raised by levy on the assessment according to the last revised assessment roll for the municipality or part or part of territory without municipal organization by 1,000 and divide the product by the total determined under paragraph 1.

3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.

4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

Who to determine rates

(2) Subject to subsection 3, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality.

Idem

(3) A separate school board shall determine the rates to be levied for separate school purposes, and a public or secondary school board shall determine the public or secondary school rates to be levied in respect of territory without municipal organization that is within its area of jurisdiction. R.S.O. 1970, c. 424, s. 78, *amended*.

Assessments for school purposes

R.S.O. 1970, c. 32

216. The clerk of each municipality and each secretary of a board in territory without municipal organization, in addition to the particulars required under subsection 1 of section 17 of *The Assessment Act*, shall prepare the following particulars:

1. the commercial assessment for public school purposes;

2. the residential and farm assessment for public school purposes;

3. the commercial assessment for separate school purposes;

4. the residential and farm assessment for separate school purposes;

5. where two or more school jurisdictions, or parts thereof, are situated in the municipality, the school jurisdiction and the commercial assessment and residential and farm assessment in each such jurisdiction. R.S.O. 1970, c. 424, s. 80.

Levying of school rates

217. The council of every local municipality, every public school board that has jurisdiction only in territory without municipal organization, every divisional board that has jurisdiction in any territory without municipal organization that is deemed a district municipality in a school division, and every separate school board in each year shall levy or cause to be levied on the whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be. R.S.O. 1970, c. 424, s. 81.

This Part to prevail where conflict

218. In the event of a conflict between any provision in sections 213 to 217 and any provision in any other general or special Act, the provision in sections 213 to 217 prevails. R.S.O. 1970, c. 424, s. 82.

Rates for public library in unorganized territory in school division

219. Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 3 of section 50, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act*, R.S.O. 1970, c. 381 and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality. R.S.O. 1970, c. 425, s. 27 (6).

Interpretation

220.—(1) In this section and in section 221,

(*a*) "trailer" means, any vehicle, whether self-propelled or so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or

propelled by the motor vehicle, that is capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed;

(*b*) "trailer camp" or "trailer park" means land in or upon which any trailer is placed, located, kept or maintained, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein. *New*.

Share of licence fees for trailers to be paid to boards

(2) Except as provided in subsection 3, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

(*a*) to the public school board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and

(*b*) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

Idem

(3) Where the occupant of a trailer has given to the clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay,

(*a*) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality that is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and

(*b*) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school. R.S.O. 1970, c. 424, s. 100 (1, 2), *amended*.

Licence fees not part of annual rates

(4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected. 1971, c. 90, s. 13.

Application to municipally operated camps

(5) This section does not apply to trailer camps and trailer parks operated by a municipality. R.S.O. 1970, c. 424, s. 100 (3).

Levy on trailer in public school section in unorganized territory

221.—(1) Except as provided in subsection 2, the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a public school section shall pay to the public school board, on or before the first day of each month, a fee of $5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Levy on trailer re separate school in unorganized territory

(2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the chief executive officer of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within three miles of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of $5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Levy on trailer in secondary school district in unorganized territory

(3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of $5 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located. R.S.O. 1970, c. 424, s. 101 (1-3), *amended*.

Notice

(4) No person is required to pay a fee under this section until he has been notified in writing by the secretary of

the board concerned or the tax collector that he is liable to pay such fee, and upon receipt of such notice the person shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections 1 to 3.

Content of notice

(5) Every notice under this section shall make reference to this section and shall specify,

(*a*) the amount of fees for which the person is liable on receipt of the notice;

(*b*) the amount of the monthly fee to be paid thereafter;

(*c*) the date by which payment is required to be made;

(*d*) the place at which payment may be made; and

(*e*) the fine provided under this section. R.S.O. 1970, c. 424, s. 101 (4, 5).

No levy where trailer assessed R.S.O. 1970, c. 32

(6) No fees shall be charged in respect of a trailer assessed under *The Assessment Act*. *New*.

Offence

(7) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on summary conviction is liable to a fine of not less than $10 and not more than $50 and each day that this subsection is contravened shall be deemed to constitute a separate offence. R.S.O. 1970, c. 424, s. 101 (6).

Refund of fees where trailer assessed

(8) Where in the year 1973 or 1974 fees were paid pursuant to this section to a public, separate or secondary school board in relation to a trailer that was assessed under *The Assessment Act* and for which property taxes were due in such year to the public, separate or secondary school board, the board that collected the fees shall refund such fees to the person who paid them. *New*.

School rate where no public school in municipality

222.—(1) Where, in a municipality, a person is entered on the collector's roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. R.S.O. 1970, c. 385, s. 49.

Reserve account

(2) The moneys raised under subsection 1 shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve account.

R.S.O. 1970, c. 470

Use of moneys in account

(3) Subject to subsection 4, where, in a municipality referred to in subsection 1, a public school board is organized and makes provision for the education of its resident pupils, the municipal council shall pay over to the board such moneys as are held by the municipality under this section, and such moneys,

(*a*) shall be used for such expenditures for permanent improvements for public school purposes as the board considers expedient; and

(*b*) in any one year, may be used to defray not more than one-third of the amount that would otherwise be required to be requisitioned by the board for public school purposes from such municipality.

Application in a school division

(4) Where a municipality referred to in subsection 1 becomes part of a school division, the municipal council shall pay over to the divisional board such moneys as are held by the municipality and such moneys shall be used as provided in clause *b* of subsection 3. 1972, c. 74, s. 12.

Reserve fund for public school purposes, application in 1973

223.—(1) Moneys that are held by a municipality as of the 31st day of December, 1972 and were derived from the Ontario Municipalities Fund or from any other source for public school purposes, except the collection of rates, shall be applied by the municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the municipality.

Area municipalities in Niagara Region

R.S.O. 1970, c. 406

(2) Where an area municipality, as defined in *The Regional Municipality of Niagara Act*, holds moneys referred to in subsection 1, such moneys shall be applied by the area municipality in the year 1973 to reduce the rate that would otherwise be required to be levied for public school purposes in the part of the area municipality that, on the 31st day of December, 1969, was a municipality that held such moneys, and where there is more than one such part in the area municipality, the moneys shall be applied by the area municipality in respect of each such part in the ratio in which the moneys were held by the former municipalities.

Where part of municipality detached

(3) Where, on the 31st day of December, 1972, a municipality holds moneys referred to in subsection 1 and a portion of such municipality is, on the 1st day of January, 1973, detached therefrom, such moneys shall be apportioned by the

clerk of such municipality between the detached portion and the remainder of the municipality in the ratio that the assessment of the property rateable for public school purposes on which taxes were levied in 1972 in the detached portion bears to such assessment in the remainder of the municipality and the amount so apportioned to the portion detached and the remainder of the municipality shall be applied to reduce the rates that would otherwise be required to be levied for public school purposes in 1973 in the detached portion and in the remainder, and the amount of money apportioned to the detached portion shall, before the 31st day of January, 1973, be paid over to the municipality of which the detached portion becomes a part. 1972, c. 74, s. 13.

PART IX

TEACHERS

Contracts

Full-time or part-time teacher

224.—(1) A full-time or part-time teacher who is employed by a board and who is not an occasional teacher shall be employed as a permanent or a probationary teacher. *New.*

Memorandum of contract

(2) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher. R.S.O. 1970, c. 424, s. 16 (1); 1971, c. 90, s. 2 (1).

Salary of teacher

225.—(1) Unless otherwise expressly agreed and subject to subsections 2 to 5, a teacher is entitled to be paid his salary in the proportion that the total number of school days for which he performs his duties in the school year bears to the total number of school days in the school year. 1973, c. 92, s. 7, *amended*.

Payment for absence due to illness or dental condition

(2) Subject to subsection 3, a permanent, probationary or temporary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account

of such sickness or such tooth or gum condition. R.S.O. 1970, c. 424, s. 16 (4).

Part-time teacher

(3) A part-time teacher is entitled to his salary for 10 per cent of the periods of instruction and supervision specified in the agreement for his employment in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the part-time teacher his salary for more than 10 per cent of the periods of instruction and supervision in respect of his absence from duty on account of such sickness or such tooth or gum condition.

Absence of teacher in quarantine

(4) Every teacher is entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties. R.S.O. 1970, c. 424, s. 16 (6, 7).

Absence by reason of being a juror or witness

(5) A teacher is entitled to his salary notwithstanding his absence from duty by reason of a summons to serve as a juror, or a subpoena as a witness in any proceeding to which he is not a party or one of the persons charged, provided that the teacher pays to the board any fee, exclusive of travelling allowances and living expenses, that he receives as a juror or as a witness. 1972, c. 77, s. 9.

Award of salary by way of penalty

(6) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary.

Failure of board to pay salary when no written agreement

(7) For the purposes of subsection 6, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by section 224, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1970, c. 424, s. 16 (10, 11).

Probationary teacher

226. A board shall not offer to a teacher, and no teacher shall accept, a contract as a probationary teacher for a period greater than,

(*a*) two years where the teacher has less than three years' experience; and

(*b*) one year where the teacher has three or more years' experience,

as a teacher in an elementary or secondary school in Ontario before the commencement of the contract. R.S.O. 1970, c. 424, s. 1 (2), par. 22, *amended*.

Teachers to be qualified

227.—(1) Except as otherwise provided in this Act, no person shall be employed or act as a teacher in an elementary or secondary school unless he is qualified as prescribed by the regulations. R.S.O. 1970, c. 424, s. 18 (1).

Certificates

(2) Subject to this Act, a certificate of qualification as a teacher may be awarded only to a person of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations. R.S.O. 1970, c. 424, s. 18 (2); 1972, c. 77, s. 10.

Idem

(3) All certificates of qualification are valid for such periods as the regulations prescribe. R.S.O. 1970, c. 424, s. 18 (3).

Termination of contract where welfare of school involved

228. Notwithstanding the other provisions of this Part and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed,

(*a*) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or

(*b*) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. R.S.O. 1970, c. 111, s. 10 (2).

Duties

Duties of teacher,

229.—(1) It is the duty of a teacher,

teach

(*a*) to teach diligently and faithfully the classes or subjects assigned to him by the principal;

learning

(*b*) to encourage the pupils in the pursuit of learning;

religion and morals

(*c*) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality

and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

co-operation

(*d*) to assist in developing co-operation and co-ordination of effort among the members of the staff of the school;

discipline

(*e*) to maintain, under the direction of the principal, proper order and discipline in his classroom and while on duty in the school and on the school ground;

language of instruction

(*f*) in instruction and in all communications with the pupils in regard to discipline and the management of the school,

(i) to use the English language, except where it is impractical to do so by reason of the pupil not understanding English, and except in respect of instruction in a language other than English when such other language is being taught as one of the subjects in the course of study, or

(ii) to use the French language in schools or classes in which French is the language of instruction except where it is impractical to do so by reason of the pupil not understanding French, and except in respect of instruction in a language other than French when such other language is being taught as one of the subjects in the course of study;

timetable

(*g*) to conduct his class in accordance with a timetable which shall be accessible to pupils and to the principal and supervisory officers;

professional activity days

(*h*) to participate in professional activity days as designated by the board under the regulations;

absence from school

(*i*) to notify such person as is designated by the board if he is to be absent from school and the reason therefor;

school property

(*j*) to deliver the register, the school key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his employment has ceased; and

textbooks

(*k*) to use and permit to be used as a textbook in a class that he teaches in an elementary or a secondary school,

(i) in a subject area for which textbooks are approved by the Minister, only textbooks that are approved by the Minister, and

(ii) in all subject areas, only textbooks that are approved by the board. R.S.O. 1970, c. 424, s. 21 (1); 1972, c. 77, s. 13 (1); 1973, c. 92, s. 8 (1, 2), *amended*.

Refusal to give up school property

(2) A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any school property in his possession forfeits any claim that he may have against the board. 1972, c. 77, s. 12.

Teachers, conferences

(3) Teachers may organize themselves for the purpose of conducting professional development conferences and seminars. R.S.O. 1970, c. 424, s. 22, *amended*.

Duties of principal,

230. It is the duty of a principal of a school, in addition to his duties as a teacher,

discipline

(*a*) to maintain proper order and discipline in the school;

co-operation

(*b*) to develop co-operation and co-ordination of effort among the members of the staff of the school;

register pupils and record attendance

(*c*) to register the pupils and to ensure that the attendance of pupils for every school day is recorded either in the register supplied by the Minister in accordance with the instructions contained therein or in such other manner as is approved by the Minister;

pupil records

(*d*) to establish and maintain, and to retain, transfer and dispose of, in the manner prescribed by the regulations, a record in respect of each pupil enrolled in the school;

timetable

(*e*) to prepare a timetable, to conduct the school according to such timetable and the school year calendar or calendars applicable thereto, to make the calendar or calendars and the timetable accessible to the pupils, teachers and supervisory officers and to assign classes and subjects to the teachers;

examinations and reports

(*f*) to hold, subject to the approval of the appropriate supervisory officer, such examinations as he considers necessary for the promotion of pupils or for any other purpose and report as required by the board the progress of the pupil to his parent or guardian where the pupil is a minor and otherwise to the pupil;

promote pupils

(*g*) subject to revision by the appropriate supervisory officer, to promote such pupils as he considers proper and to issue to each such pupil a statement thereof;

(*h*) to ensure that all textbooks used by pupils are those approved by the board and, in the case of subject areas for which the Minister approves textbooks, those approved by the Minister; textbooks

(*i*) to furnish to the Ministry and to the appropriate supervisory officer any information that it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the board; reports

(*j*) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds; care of pupils and property

(*k*) to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, and of the unsanitary condition of any part of the school building or the school grounds; report to M.O.H.

(*l*) to refuse admission to the school of any person who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to *The Public Health Act* until furnished with a certificate of a medical officer of health or of a legally qualified medical practitioner approved by him that all danger from exposure to contact with such person has passed; persons with communicable diseases R.S.O. 1970, c. 377

(*m*) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in his judgment be detrimental to the physical or mental well-being of the pupils; and access to school or class

(*n*) to maintain a visitor's book in the school when so determined by the board. R.S.O. 1970, c. 424, s. 21 (2); 1972, c. 77, s. 13 (2, 3); 1973, c. 92, s. 8 (3), *amended*. visitor's book

Pupil Records

Interpretation

231.—(1) In this section, except in subsection 12, "record" in respect of a pupil means a record maintained or retained by the principal of a school in accordance with the regulations.

Pupil records privileged

(2) A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of instruction of the pupil, and such record,

(*a*) subject to subsections 3 and 5, is not available to any other person; and

(*b*) except for the purposes of subsection 5, is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil.

Right of parent and pupil

(3) A pupil, and his parent or guardian where the pupil is a minor, is entitled to examine the record of such pupil.

Idem

(4) Where, in the opinion of a pupil who is an adult, or of the parent or guardian of a pupil who is a minor, information recorded upon the record of the pupil is,

(*a*) inaccurately recorded; or

(*b*) not conducive to the improvement of instruction of the pupil,

such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy in, or to remove the impugned information from, such record. 1972, c. 77, s. 14, *part*.

Reference where disagreement

(5) Where the principal refuses to comply with a request under subsection 4, the pupil, parent or guardian who made the request may, in writing, require the principal to refer the

request to the appropriate supervisory officer who shall either require the principal to comply with the request or submit the record and the request to a person designated by the Minister, and such person shall hold a hearing at which the principal and the person who made the request are the parties to the proceedings, and the person so designated shall, after the hearing, decide the matter, and his decision is final and binding upon the parties to the proceedings. 1973, c. 92, s. 9.

Use re further education or employment

(6) Nothing in subsection 2 prohibits the use by the principal of the record in respect of a pupil to assist in the preparation of,

(*a*) a report required by this Act or the regulations; or

(*b*) a report,

(i) for an educational institution or for the pupil or former pupil, in respect of an application for further education, or

(ii) for the pupil or former pupil in respect of an application for employment,

where a written request is made by the former pupil, the pupil where he is an adult, or the parent or guardian of the pupil where the pupil is a minor.

Information for Minister or board

(7) Nothing in this section prevents the compilation and delivery of such information as may be required by the Minister or by the board.

No action re content

(8) No action shall be brought against any person in respect of the content of a record.

Testimony re content

(9) Except where the record has been introduced in evidence as provided in this section, no person shall be required in any trial or other proceeding to give evidence in respect of the content of a record.

Secrecy re contents

(10) Except as permitted under this section, every person shall preserve secrecy in respect of the content of a record that comes to his knowledge in the course of his duties or employment, and no such person shall communicate any such knowledge to any other person except,

(*a*) as may be required in the performance of his duties; or

(*b*) with the written consent of the parent or guardian of the pupil where the pupil is a minor; or

(*c*) with the written consent of the pupil where the pupil is an adult.

Interpretation

(11) For the purposes of this section, "guardian" includes a person, society or corporation who or that has custody of a pupil.

Application to former records

(12) This section, except subsections 3, 4 and 5, applies *mutatis mutandis* to a record established and maintained in respect of a pupil or retained in respect of a former pupil prior to the 1st day of September, 1972. 1972, c. 77, s. 14, *part*.

Use of record in disciplinary cases

(13) Nothing in this section prevents the use of a record in respect of a pupil by the principal of the school attended by the pupil or the board that operates the school for the purposes of a disciplinary proceeding instituted by the principal in respect of conduct for which the pupil is responsible to the principal. *New*.

Boards of Reference

Interpretation

232. In sections 233 to 242,

(*a*) "contract" means a contract of employment between a teacher and a board;

(*b*) "employed" means employed as a permanent teacher by a board;

(*c*) "judge" means a judge of a county or district court;

(*d*) "teacher" means a person qualified to teach in an elementary or secondary school and employed by a board on the terms and conditions contained in the form of contract prescribed for a permanent teacher. R.S.O. 1970, c. 424, s. 23, *amended*.

Termination of contract by board

233.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract.

Termination of contract by teacher

(2) Where a teacher is employed by a board, the termination of the contract by the teacher shall be by notice in writing in accordance with the terms of the contract.

Application for board

(3) Where a teacher is dismissed or the contract of a teacher is terminated by the board or the teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within twenty-one days after receiving the

notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement.

Service of notice

(4) The applicant shall send a copy of the application by registered mail to the other party to the disagreement on the same day as the application is sent to the Minister. R.S.O. 1970, c. 424, s. 24.

Appointment in place of teacher dismissed

234.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose contract has been terminated in a manner not agreeable to the teacher until,

(*a*) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 233;

(*b*) the board has received from the teacher notice in writing that no application will be made under section 233;

(*c*) the board has received from the Minister notice in writing that an application made by the teacher under section 233 has been withdrawn;

(*d*) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 233;

(*e*) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 235; or

(*f*) the board has received from the Minister a copy of the direction of the Board of Reference under section 238 directing the discontinuance of the contract,

whichever first occurs.

New contract after termination of contract by teacher

(2) A teacher who terminates a contract in a manner not agreeable to the board shall not enter into a contract with another board after the teacher has received notice of the application of the board for a Board of Reference until,

(*a*) the teacher has received from the Minister notice in writing that an application made by the board under section 233 has been withdrawn;

(*b*) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 233;

(*c*) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 235; or

(*d*) the teacher has received from the Board of Reference a copy of the direction of the Board of Reference under section 238 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1970, c. 424, s. 25, *amended*.

Application for Board of Reference

235.—(1) Upon receipt of an application for a Board of Reference, the Minister shall cause notice of the application to be sent by registered mail to the other party to the disagreement and shall within thirty days of sending the notice inquire into the disagreement and shall, within the same time,

(*a*) refuse to grant the Board of Reference; or

(*b*) grant the Board of Reference and appoint a judge to act as chairman thereof. R.S.O. 1970, c. 424, s. 26 (1).

Appointment

(2) Where, under subsection 1, a judge is appointed after the expiry of thirty days referred to therein to act as chairman of a Board of Reference, the failure to make the appointment within the thirty-day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection 1. 1971, c. 90, s. 4.

Naming of representatives

(3) Upon appointing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send or cause to be sent by hand or by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister.

Failure to name representatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered mail to the other party to the disagreement.

Idem

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract.

Failure of representatives to appear

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. R.S.O. 1970, c. 424, s. 26 (3-6).

Applicant deemed eligible

(7) Where the Minister grants a Board of Reference, the applicant shall be deemed to have met the conditions precedent to the granting of a Board of Reference. *New*.

Death or withdrawal of representative

(8) Where, after the hearing has commenced, the representative of the board or of the teacher dies, for any reason is unable to continue to act or withdraws from the Board of Reference, the other representative shall withdraw and the decision of the Board of Reference shall be made by the chairman. 1972, c. 160, s. 1.

Death, etc., of chairman before hearing

(9) Where, before the hearing has commenced, the chairman of a Board of Reference dies, disqualifies himself, for any reason is unable to act or is prohibited from acting, the Minister shall appoint another judge to act as chairman and the Board of Reference shall proceed in accordance with this Part except that for the purposes of section 236 the date of appointment of the chairman is the date of appointment of the chairman appointed to act under this section.

New Board of Reference after hearing commences

(10) Where, after the hearing has commenced and before the chairman of a Board of Reference reports to the Minister and to the parties,

(*a*) the chairman dies, disqualifies himself, for any reason is unable to continue as chairman, or is prohibited from acting; or

(*b*) the Board of Reference is prohibited from acting or proceeding,

the Board of Reference is terminated and, where, within ninety days after the death, disqualification, inability to continue or prohibition referred to in clause *a* or *b*, the person who applied for the Board of Reference requests the Minister in writing to grant another Board of Reference, the Minister may grant a new Board of Reference, in which case the provisions of this Part apply *mutatis mutandis* except that the representatives named to the new Board of Reference shall not be the representatives named to the Board of Reference

terminated under this subsection and the determination and direction of the costs under section 241 may include the costs, if any, incurred in respect of the Board of Reference terminated under this subsection.

Procedure at new Board of Reference

(11) Where a new Board of Reference is granted under subsection 10, the hearing shall proceed as if the hearing by the Board of Reference terminated under subsection 10 had not commenced. 1972, c. 160, s. 2.

Place and time of hearing

236. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. R.S.O. 1970, c. 424, s. 27.

Duty to inquire and powers of judge
1971, c. 49

237. The Board of Reference shall inquire into the matter in dispute and for such purposes the chairman has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 424, s. 28 (1), *amended*.

Direction of Board of Reference to report

238.—(1) A Board of Reference shall direct the continuance of the contract or the discontinuance of the contract. 1972, c. 160, s. 4, *part*.

Chairman of Board of Reference to report

(2) The chairman of a Board of Reference shall, within seven days after,

(*a*) the application for the Board of Reference is withdrawn; or

(*b*) the matter in dispute has been settled by the parties to the Board of Reference; or

(*c*) the completion of the hearing and the receipt of any written submissions required by him,

report to the Minister and the parties the disposition of the application. 1972, c. 160, s. 4, *part, amended*.

New Board of Reference provided
1971, c. 48

239. Where, pursuant to an application for judicial review under *The Judicial Review Procedure Act, 1971*, the report or the direction of a Board of Reference is set aside, the Minister may grant a new Board of Reference if the board or teacher applies therefor to the Minister by registered mail within fifteen days after the date of the

order of the court setting aside the report or direction, and the provisions of sections 232 to 242 apply *mutatis mutandis* in respect of the new Board of Reference. 1972, c. 77, s. 15, *amended*.

Direction of Board

240.—(1) The direction of the Board of Reference under section 238 is binding upon the board and the teacher. R.S.O. 1970, c. 424, s. 30 (1).

Failure to comply with direction of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 238, the Minister may direct that any portion of the amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction. R.S.O. 1970, c. 424, s. 30 (2); 1972, c. 77, s. 16.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 238, the Minister may suspend the certificate of qualification of the teacher for such period as he considers advisable. R.S.O. 1970, c. 424, s. 30 (3).

Payment of costs

241. Subject to the regulations made under section 242, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. R.S.O. 1970, c. 424, s. 31.

Regulations

242. The Lieutenant Governor in Council may make regulations,

(*a*) fixing the remuneration of members of Boards of Reference and defining, prescribing and limiting other items of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;

(*b*) regulating the practice and procedure to be followed upon any reference; and

(*c*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of sections 233 to 241. R.S.O. 1970, c. 424, s. 32.

PART X

SUPERVISORY OFFICERS

Qualifications of supervisory officers

243. Every supervisory officer appointed under this Part shall hold the qualifications required by the regulations for a supervisory officer. R.S.O. 1970, c. 424, s. 67, *part*.

Director of education

244. A board of education that had an enrolment in its public and secondary schools of 2,000 or more on the 30th

day of September of any year and does not have a director of education shall, on or before the 1st day of August of the year following, appoint a director of education, and he shall hold the qualifications required by the regulations for a supervisory officer who is responsible to the board for the development, implementation, operation and supervision of educational programs in the schools. R.S.O. 1970, c. 425, s. 44 (2); 1972, c. 75, s. 15 (2), *amended*.

Idem

245. A separate school board that had an enrolment in its schools of 2,000 or more on the 30th day of September of any year and does not have a director of education shall, on or before the 1st day of August of the year following, appoint a director of education, and he shall hold the qualifications required by the regulations for a supervisory officer who is responsible to the board for the development, implementation, operation and supervision of educational programs in the schools. R.S.O. 1970, c. 430, s. 93 (2); 1972, c. 76, s. 32 (2), *amended*.

Supervisory officers

246. A board of education having an enrolment in its public and secondary schools of fewer than 2,000 and a county or district combined separate school board having an enrolment in its schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. R.S.O. 1970, c. 425, s. 44 (3); R.S.O. 1970, c. 430, s. 93 (3).

Chief executive officer

247.—(1) A director of education is the chief education officer and the chief executive officer of the board by which he is employed and is a supervisory officer who qualified as such as a teacher. R.S.O. 1970, c. 424, s. 68 (3), *amended*.

Idem

(2) The chief executive officer of a board shall, within policies established by the board, develop and maintain an effective organization and the programs required to implement such policies. *New*.

Supervisory officers

248. Every board that is required to appoint a director of education shall, subject to the regulations, employ such other supervisory officers as it considers necessary to supervise adequately all aspects of the programs under its jurisdiction. R.S.O. 1970, c. 424, s. 67, *amended*.

Appointment of supervisory officers

249.—(1) Where a board appoints one or more supervisory officers, the board,

(*a*) shall, subject to the regulations, designate the title and area of responsibility of each such officer;

(*b*) shall appoint an English-speaking supervisory officer for schools and classes where English is the language

of instruction, and a French-speaking supervisory officer for schools and classes where French is the language of instruction, or shall arrange with another board or with the Minister for the services of an English-speaking supervisory officer or a French-speaking supervisory officer where such officer is not appointed by the board; and

(*c*) may assign to a supervisory officer such administrative duties, in addition to those prescribed in section 250 and the regulations, as the board considers expedient.

Confirmation by Minister

(2) No person shall be appointed as a supervisory officer by a board until notice in writing of the proposed appointment and the area of responsibility to be assigned has been given to the Minister and the Minister has confirmed that the person to be appointed is eligible for the position. R.S.O. 1970, c. 424, s. 68 (1, 2), *amended*.

Duties of supervisory officers:

250.—(1) Subject to the regulations, a board or the Minister shall assign the following duties to its or his supervisory officer or officers,

assist teachers

(*a*) to bring about improvement in the quality of education by assisting teachers in their practice;

co-operate with boards

(*b*) to assist and co-operate with boards to the end that the schools may best serve the needs of the pupils;

visit schools

(*c*) to visit schools and classrooms as the Minister may direct and, where the supervisory officer has been appointed by a board, as the board may direct;

prepare reports

(*d*) to prepare a report of a visit to a school or classroom when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board and to give to a teacher referred to in any such report a copy of the portion of the report that refers to the teacher;

Acts and regulations

(*e*) to ensure that the schools under his jurisdiction are conducted in accordance with this Act and the regulations;

annual report to Minister

(*f*) to make a general annual report as to the performance of his duties and the condition of the schools in his area of jurisdiction when required by the Minister and, where the supervisory officer has been appointed by a board, when required by the board;

report to M.O.H.

(*g*) to report to the appropriate medical officer of health any case in which the school buildings or premises are found to be in an unsanitary condition;

report to the Minister

(*h*) to furnish the Minister with information respecting any school in his area of jurisdiction whenever required to do so;

supervise business

(*i*) to supervise the business functions of the board; and

supervise buildings and property

(*j*) to supervise the use and maintenance of the buildings and property of the board. R.S.O. 1970, c. 424, s. 70 (1); 1971, c. 90, s. 8, *amended*.

Responsibility to Minister

(2) Every supervisory officer appointed by the Minister is responsible to the Minister for the performance of his duties.

Responsibility to board

(3) Every supervisory officer appointed by a board is responsible to the board through the chief executive officer for the performance of the duties assigned to him by the board. R.S.O. 1970, c. 424, s. 70 (2, 3), *amended*.

Full-time position

(4) Except as otherwise provided by this Act or the regulations, a supervisory officer shall not, without the approval of the Minister, hold any other office, have any other employment or follow any other profession or calling, during his tenure as a supervisory officer. R.S.O. 1970, c. 424, s. 69 (6), *amended*.

Suspension or dismissal of supervisory officer by board

251.—(1) A supervisory officer appointed by a board may be suspended or dismissed by the board, in accordance with the regulations, for neglect of duty, misconduct, or inefficiency.

Notice re suspension or dismissal

(2) Where a board suspends or dismisses a supervisory officer, the board shall forthwith notify in writing the supervisory officer and the Minister of the suspension or dismissal and the reasons therefor. R.S.O. 1970, c. 424, s. 69 (2), *amended*.

PART XI

FRENCH LANGUAGE INSTRUCTION

Elementary

French-language elementary schools and classes

252.—(1) A board of education, public school board or separate school board may establish and maintain elementary schools or classes in elementary schools, including kindergarten and junior kindergarten classes, for the purpose of providing for the use of the French language in instruction.

French-language classes

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board referred to in subsection 1 that a

number of French-speaking pupils resident in the school section or separate school zone have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty-five or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day of the following school year.

Idem

(3) Where the evidence referred to in subsection 2 is presented to the board after the 1st day of April and before the first school day in September next following, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty-five or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

French-language schools

(4) Where a board referred to in subsection 1 provides or is required to provide for the use of the French language in instruction and in the opinion of the board the number of pupils who elect to be taught in the French language so warrants, the board shall provide a French-language elementary school.

English as subject of instruction

(5) Notwithstanding subsections 1, 2, 3 and 4, English may be a subject of instruction in any grade and shall be a subject of instruction in Grade 5 and all subsequent grades in an elementary school.

Admission of pupils other than French-speaking pupils

(6) A board, on the request of the parent or guardian of an English-speaking pupil of the board, or of the pupil where he is an adult, may admit the pupil to a class formed under subsection 1, 2 or 3 or to a school provided under subsection 4 if his admission is approved by majority vote of an admissions committee appointed by the board, and composed of the principal of the school to which admission is requested, a teacher who uses the French language in instruction in such school and, subject to subsection 7, a French-speaking supervisory officer employed by the board.

Where board has no French-speaking supervisory officer

(7) Where a board does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee.

English-language schools or classes

(8) Where a board has provided one or more French-language elementary schools under subsection 4 and a number of pupils of the board elect to be taught in the English language, subsections 1, 2 and 3 apply *mutatis mutandis* in respect of provision for the use of the English language in instruction. 1973, c. 92, s. 12, *part, amended.*

Duties and responsibilities of advisory committee in public schools

253. Where a board of education has established a French-language advisory committee under section 256, or an English-language advisory committee under section 266, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the public schools operated by the board of education as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes. 1973, c. 92, s. 12, *part.*

Secondary

Interpretation

254. In sections 255 to 271,

(*a*) "board" means a board of education;

(*b*) "committee" means a French-language advisory committee formed under section 256;

(*c*) "French-language instructional unit" means a class, group of classes, or school in which French is the language of instruction;

(*d*) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board. 1973, c. 91, s. 5, *part.*

French-language schools or classes

255.—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of providing for the use of the French language in instruction, or may enter into an agreement with another board to provide for the admission of resident pupils of the first-mentioned board to one or more French-language instructional units operated by such other board.

French-language schools

(2) Where, after the first school day in September and on or before the 1st day of April next following, written evidence is presented to a board that a number of French-speaking pupils resident in the secondary school district have elected to be taught in the French language, the board shall forthwith determine whether French-speaking pupils can be assembled for this purpose in one or more classes or groups of twenty

or more and, where the board determines that such pupils can be so assembled, it shall provide for the use of the French language in instruction in such classes or groups commencing on the first school day in the following school year.

Idem

(3) Where the evidence referred to in subsection 2 is presented to the board after the 1st day of April and before the first school day in September next following, the board shall make the determination required under subsection 2 and, where the board determines that French-speaking pupils can be assembled in classes or groups of twenty or more for the use of the French language in instruction, the board may, commencing on the first school day in January of the following year, and shall, commencing on the first school day in September of such following year, provide for the use of the French language in instruction in such classes or groups.

French-language secondary schools

(4) Where a board provides or is required to provide for the use of the French language in instruction in one or more classes in a secondary school and in the opinion of the board the number of French-speaking pupils who elect to be taught in the French language so warrants, the board shall provide an appropriate unit of a secondary school or, where practicable, a French-language secondary school.

Agreement with another board

(5) Where a board determines that the number of French-speaking pupils who elect to be taught in the French language is not sufficient to justify the establishment of a French-language secondary school, the board shall, in respect of the education of such pupils, consider the possibility of entering into an agreement with another board under section 156 or 160. 1973, c. 91, s. 5, *part*.

Establishment of committee

256.—(1) Where,

(*a*) ten or more French-speaking ratepayers of a secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction; or

(*b*) a board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, by resolution, establish a committee and provide for the holding of elections of members thereof, and such elections shall, subject to subsection 7, be held within such period.

Composition

(2) The committee shall consist of nine members and shall be composed of,

(*a*) three members of the board appointed by the board; and

(*b*) six French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by French-speaking ratepayers of the secondary school district.

Member of elementary board

(3) A member of the committee under clause *b* of subsection 2 may be a member of an elementary school board.

Term of office

(4) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

Apportionment of members

(5) The board, subject to subsection 8, shall apportion the number of members under clause *b* of subsection 2 among the municipalities and the localities, or among parts or groups of such municipalities or localities, within the jurisdiction of the board as nearly as is practicable in the proportion that the number of French-speaking pupils who elect to be taught in the French language from each such municipality, locality or part or group thereof bears to the total number of such pupils within the area of jurisdiction of the board.

Meetings of French-speaking ratepayers to elect committee members

(6) The board shall make provision for a meeting of its French-speaking ratepayers in respect of each area to which one or more members are apportioned under subsection 5 for the purpose of electing such member or members to the committee, and shall advertise in each of its schools and in the public media serving the local population, the place, date and time of the meeting, and take such additional action to publicize the meeting as it considers expedient.

Idem

(7) Where the election of members of a committee under subsection 1 would otherwise be held within three months before the date of the regular election of members of the board, the election required under subsection 1 shall be held in accordance with section 257.

Consultation with committee re apportionment

(8) For the purpose of the second and subsequent elections of members to a committee, the board shall consult with the committee before making the apportionment referred to in subsection 5 and shall make such apportionment on or before the 1st day of December in the year of a regular election of the board. 1973, c. 91, s. 5, *part, amended.*

French-speaking ratepayers to elect subsequent members to committee

257. Where a committee has been established and a new board has been elected, a meeting provided under subsection 6 of section 256 to elect a member or members to the committee shall be held on or before the second Wednesday following the first meeting of the newly-elected board commencing at 8 o'clock in the afternoon on such date and at such place as the board may determine, and such meeting may also consider any other matters brought before it, and the provisions of subsection 6 of section 256 respecting the publicizing of the meeting apply. 1973, c. 91, s. 5, *part*.

Election of chairman of meeting

258.—(1) The secretary of the board or a person appointed by the board shall call to order each meeting of French-speaking ratepayers under sections 256 and 257 and shall preside thereat for the purpose of electing a chairman of the meeting.

Secretary of meeting

(2) The chairman of a meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman.

Procedure at meeting

(3) The chairman of a meeting shall conduct the election of the member or members of the committee to be elected at such meeting and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion and, in the case of an equality of votes with respect to the election of a member of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected and a motion on which there is an equality of votes is lost.

Notice of result of election

(4) Notice in writing shall be given by the secretary of a meeting to the secretary of the board designating by their names and addresses the person or persons elected as members of the committee. 1973, c. 91, s. 5, *part*.

Chairman and vice-chairman of committee

259.—(1) At the first meeting of the committee, the members shall elect from among themselves a chairman and a vice-chairman.

Quorum

(2) A majority of the members of the committee constitutes a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee.

Vote of chairman, equality of votes

(3) On every motion, the chairman may vote, and a motion on which there is an equality of votes is lost.

Special meeting

(4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman upon the request in writing of two members of the

committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting. 1973, c. 91, s. 5, *part*.

Vacancies

260. Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members and every person so appointed shall hold office for the unexpired term of the member whose seat has become vacant. 1973, c. 91, s. 5, *part*.

Recommendations

261.—(1) A committee is responsible for developing proposals designed to meet the educational and cultural needs of the French-speaking pupils and the French-speaking community and for such purpose may make recommendations in respect of,

(*a*) the provision of suitable sites, accommodation and equipment;

(*b*) the establishment, operation and management of French-language instructional units;

(*c*) the use of the French language and of the English language in French-language instructional units;

(*d*) the recruitment and appointment of the required teaching, supervisory and administrative personnel;

(*e*) the establishment of the course of study and the use of textbooks;

(*f*) the development and establishment of special education programs;

(*g*) the establishment of attendance areas for French-language instructional units;

(*h*) the provision of transportation for pupils;

(*i*) the entering into agreements with other boards in respect of the provision of instruction in the French language and supervisory and consultative services;

(*j*) the provision of board, lodging, and transportation for pupils;

(*k*) the development and establishment of adult education programs;

(*l*) the use of any facility and means necessary to meet the educational and cultural needs of the French-speaking community;

(*m*) the provision of summer school programs; and

(*n*) any other matter pertaining to French-language education for French-speaking pupils.

Committee report to board

(2) The committee shall report at each regular meeting of the board.

Board to seek advice of committee

(3) The board shall seek the advice of the committee on all matters affecting the establishment, program, administration and termination of French-language instructional units before any final decision regarding such matters is taken by the board and shall provide adequate accommodation and staff to implement the decision of the board.

Consideration of recommendations by board

(4) The board shall consider any recommendation submitted to it in writing by the committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred and, where a board refuses a recommendation of the committee, it shall, within thirty days after receiving the recommendation of the committee, forward to the committee written reasons for its refusal.

Referral by committee to Languages of Instruction Commission

(5) Upon receipt of a refusal and the reasons therefor under subsection 4, the committee may, by motion, refer the matter to the Languages of Instruction Commission of Ontario, in which case it shall send to the Commission and to the board copies of the motion, the recommendation of the committee and the written reasons of the board for its refusal. 1973, c. 91, s. 5, *part*.

Attendance of committee chairman at board committee meeting

262.—(1) The chairman of the committee or a member of the committee designated by him may attend any meeting of a committee of the board and shall be given the opportunity to be heard at such meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of such committee of the board.

Distribution of administrative materials

(2) Notices, agendas and minutes in respect of meetings of the board shall be distributed to members of the committee together with such supporting documents as may be agreed upon by the board and the committee.

Formation of sub-committees

(3) The committee may, at its discretion, form sub-committees to assist it in its work.

Committee may hold public meetings

(4) The committee may hold such public meetings to report upon its work as it considers necessary or desirable. 1973, c. 91, s. 5, *part*.

Resources and services to be provided by board

263.—(1) The board shall make available to the committee the resources and services provided for a committee of the board.

Annual report of committee

(2) The chairman of the committee shall cause to be prepared in French and English an annual report, and the report shall be included in that of the board where the board publishes a report.

Services of professional staff to be provided

(3) The committee may, through the chief executive officer of the board, obtain the advice and assistance of such supervisory officers and teachers employed by the board as the committee may request. 1973, c. 91, s. 5, *part*.

Allowance

264.—(1) Each member of the committee who is not a member of the board shall receive an allowance in accordance with subsection 1 of section 164, except that the maximum allowance shall be based upon the enrolment in French-language instructional units and subsection 5 of the said section 164 applies *mutatis mutandis* to such member.

Attendance at meetings and conferences

(2) The board may authorize a member of the committee to attend on the same basis as a member of the board such conferences and meetings as the board considers necessary or desirable for the effective functioning of the committee, and subsections 3 and 4 of section 164 apply *mutatis mutandis* to a member of the committee.

Provincial association membership fee

(3) The board shall, on behalf of the members of the committee, pay all or part of a fee required for membership in a provincial association of French-language committees where the committee desires such membership. 1973, c. 91, s. 5, *part*.

English or Anglais as subject required in grades 9 to 12

265. Notwithstanding any other provision in this Part, English or Anglais shall be an obligatory subject of instruction for every pupil of grades 9 to 12 who is enrolled in a French-language school and shall be a required subject for a certificate or diploma issued to such a pupil. 1973, c. 91, s. 5, *part*.

English-language classes where French-language school or classes established

266.—(1) Where a board has provided one or more French-language secondary schools and a number of pupils of the board elect to be taught in the English language, section 255 applies *mutatis mutandis* in respect of provision for the use of the English language in instruction.

Establishment of English-language advisory committee

(2) Where the number of English-speaking pupils of a board is fewer than the number of pupils of the board for whom French is the language of instruction and,

(*a*) ten or more English-speaking ratepayers of the secondary school district apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the English language is or is to be used in instruction; or

(*b*) the board establishes or extends or decides to establish or extend a class, group or program in which the English language is or is to be used in instruction,

the board shall establish an English-language advisory committee, and the provisions of sections 254 to 267 that apply to a committee in respect of the French-speaking ratepayers, pupils and community and in respect of French-language instructional units apply *mutatis mutandis* to an English-language advisory committee in respect of the English-speaking ratepayers, pupils and community and in respect of schools or classes in which English is the language of instruction. 1973, c. 91, s. 5, *part*.

Admission of pupils other than French-speaking pupils

267.—(1) A board, on the request of an English-speaking pupil of the board or, where the pupil is a minor, of his parent or guardian, may admit the pupil to a French-language instructional unit if his admission is approved by a majority vote of an admissions committee appointed by the board and composed of the principal of the school in which the French-language instructional unit is operated, a French-language teacher of such school and, subject to subsection 2, a French-speaking supervisory officer employed by the board.

Where board has no French-speaking supervisory officer

(2) Where the board does not employ a French-speaking supervisory officer, it shall arrange for a French-speaking supervisory officer employed by another board or by the Minister to serve as a member of the admissions committee. 1973, c. 91, s. 5, *part*.

Languages of Instruction Commission of Ontario

Interpretation

268. In this Part,

(*a*) "Commission" means the Languages of Instruction Commission of Ontario established under this Part;

(*b*) "committee" means a French-language advisory committee or an English-language advisory committee established under section 256;

(*c*) "ratepayer" in respect of a board means a person entitled to vote at an election of members of the board. 1973, c. 92, s. 18, *part*.

Establishment of Commission

269.—(1) A commission to be known as the Languages of Instruction Commission of Ontario is hereby established and shall be composed of five members appointed by the Lieutenant Governor in Council at least two of whom shall be French-speaking and at least two of whom shall be English-speaking, and one of the members shall be appointed as chairman.

Term, reappointment and remuneration

(2) Members of the Commission shall hold office for a term of three years, may be reappointed, and shall be paid such remuneration as may be determined by the Lieutenant Governor in Council.

Vacancies

(3) Where a vacancy occurs in the membership of the Commission, the vacancy may be filled for the unexpired portion of the term of the person whose office has become vacant.

Commission is responsible to the Minister

(4) The Commission is responsible to the Minister for its operation and shall be assisted by such employees in the public service of Ontario as the Minister may assign for the purpose and may, as required from time to time, obtain the services of a lawyer.

Quorum

(5) A quorum consists of three members of whom at least one shall be French-speaking and one English-speaking.

Recommendation

(6) A recommendation of the Commission requires the approval of at least a majority of the members of the Commission.

Duties of Commission

(7) The Commission shall consider matters referred to it by committees and requests for advice and assistance on questions in respect of which a committee may make recommendations, from boards and committees, and where there is no committee, from a group of ratepayers of the board concerned determined by the Commission to be representative of the French-speaking or English-speaking minority, as the case may be, within the jurisdiction of the board.

Spokesman

(8) A group referred to in subsection 7 shall name one of its members as its spokesman.

Referral to Commission by Minister

(9) The Minister may refer to the Commission any matter relating to instruction in the French language or, where the pupils of a board who receive instruction in the English

language are a minority of the pupils of a board, any matter relating to instruction in the English language.

Determination by Commission re establishment of advisory committee

(10) Where, within the area of jurisdiction of a board, there is doubt as to whether the French-speaking or English-speaking pupils are in the minority, the Commission has the power to determine whether there shall be a French-language advisory committee or an English-language advisory committee, or both, and the board shall establish such committee or committees as the Commission determines.

Investigation of irregularity

(11) Where, within thirty days of the election of a committee, the board or the committee requests the Commission to investigate an alleged irregularity respecting the election of a member of the committee, the Commission shall investigate such election and give the member an opportunity to make representation to the Commission and shall declare the member to be elected if the Commission finds the election and procedures to be substantially in accordance with this Part or declare his seat vacant if the Commission finds the election and procedures not to be substantially in accordance with this Part and shall send a copy of its decision and reasons therefor to the board or committee and to the member.

Deferral of action by board

(12) When a matter is referred to the Commission, the board concerned shall defer action thereon until the matter has been resolved.

Commission shall request mediation or reject referral

(13) When a matter is referred to the Commission it shall,

(*a*) forthwith appoint one or more mediators where it considers that the furtherance of such matter may be conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community; or

(*b*) except where a matter is referred by the Minister, take no further action where it considers that the furtherance of such matter is not conducive to meeting the educational and cultural needs of the French-speaking or the English-speaking community.

Where referral rejected

(14) Where the Commission takes no further action on a referral it shall forthwith send notice in writing of its decision and of the reasons therefor to the board, the Minister and either the committee or the spokesman referred to in subsection 8.

Notice of appointment of mediator

(15) Where the Commission makes an appointment under subsection 13 it shall communicate the name and address of each mediator to,

(*a*) the Minister;

(*b*) the secretary of the board; and

(*c*) the chairman of the committee,

and where a committee has not been established by a board, to the spokesman of the group referred to in subsection 8. 1973, c. 92, s. 18, *part, amended.*

Remuneration

270.—(1) Mediators shall be paid such remuneration as the Lieutenant Governor in Council may determine.

Who not eligible as mediator

(2) A mediator shall not be a member of the Commission.

Duties of mediator

(3) The mediator or mediators shall, after inquiring into the matter referred for mediation and conferring with the parties involved, endeavour to bring about an agreement and shall, within twenty-one days of being appointed, report to the Commission the agreement that has been reached, or the failure to bring about agreement.

Extension of period of mediation

(4) The period referred to in subsection 3 may be extended by the Commission or by agreement of the parties to the mediation. 1973, c. 92, s. 18, *part, amended.*

Duties of Commission

271.—(1) Where the report of the mediator or mediators to the Commission indicates failure to bring about an agreement, the Commission shall consider and inquire into all pertinent aspects of the matter referred to mediation and shall, within twenty-one days of its receipt of the report, recommend to the board in writing a course of action that it considers appropriate to settle the matter and shall send copies of its recommendation to the Minister and either the committee or the spokesman referred to in subsection 8 of section 269.

Report of board to Minister

(2) Within thirty days of its receipt of a copy of the recommendation of the Commission, the board shall report in writing to the Minister its decision in respect of the recommendation of the Commission and shall forward copies of the decision to the Commission and to the committee or spokesman of the group, as the case may be. 1973, c. 92, s. 18, *part.*

PART XII

GENERAL

272. The following are repealed: Repeals

1.	*The Ministry of Education Act.*	R.S.O. 1970, c. 111
2.	*The Ministry of Education Amendment Act, 1971.*	1971, c. 89
3.	Section 61 of *The Government Reorganization Act, 1972.*	1972, c. 1, s. 61
4.	*The Ministry of Education Amendment Act, 1972.*	1972, c. 73
5.	*The Ministry of Education Amendment Act, 1973.*	1973, c. 44
6.	*The Public Schools Act.*	R.S.O. 1970, c. 385
7.	*The Public Schools Amendment Act, 1971.*	1971, c. 69
8.	Paragraph 27 of the Schedule to *The Age of Majority and Accountability Act, 1971.*	1971, c. 98, Sched., par. 27
9.	*The Public Schools Amendment Act, 1972.*	1972, c. 74
10.	*The Public Schools Amendment Act, 1973.*	1973, c. 37
11.	*The Schools Administration Act.*	R.S.O. 1970, c. 424
12.	*The Schools Administration Amendment Act, 1971.*	1971, c. 90
13.	Section 62 of *The Government Reorganization Act, 1972.*	1972, c. 1, s. 62
14.	*The Schools Administration Amendment Act, 1972.*	1972, c. 77
15.	*The Schools Administration Amendment Act, 1972 (No. 2).*	1972, c. 160
16.	*The Schools Administration Amendment Act, 1973.*	1973, c. 92
17.	*The Schools Administration Amendment Act, 1973 (No. 2).*	1973, c. 118
18.	*The Secondary Schools and Boards of Education Act.*	R.S.O. 1970, c. 425
19.	*The Secondary Schools and Boards of Education Amendment Act, 1971.*	1971, c. 68
20.	Paragraph 29 of the Schedule to *The Age of Majority and Accountability Act, 1971.*	1971, c. 98, Sched., par. 29

1972, c. 1, s. 63 — 21. Section 63 of *The Government Reorganization Act, 1972*.

1972, c. 75 — 22. *The Secondary Schools and Boards of Education Amendment Act, 1972*.

1972, c. 136 — 23. *The Secondary Schools and Boards of Education Amendment Act, 1972 (No. 2)*.

1973, c. 91 — 24. *The Secondary Schools and Boards of Education Amendment Act, 1973*.

R.S.O. 1970, c. 430 — 25. *The Separate Schools Act*.

1971, c. 70 — 26. *The Separate Schools Amendment Act, 1971*.

1971, c. 98, Sched., par. 31 — 27. Paragraph 31 of the Schedule to *The Age of Majority and Accountability Act, 1971*.

1972, c. 1, s. 64 — 28. Section 64 of *The Government Reorganization Act, 1972*.

1972, c. 76 — 29. *The Separate Schools Amendment Act, 1972*.

1972, c. 137 — 30. *The Separate Schools Amendment Act, 1972 (No. 2)*.

1973, c. 117 — 31. *The Separate Schools Amendment Act, 1973*.

Commencement — **273.**—(1) This Act, except paragraph 43 of subsection 1 of section 147 and subsections 1, 2 and 3 of section 163, comes into force on the 1st day of January, 1975.

Idem — (2) Paragraph 43 of subsection 1 of section 147 and subsections 1, 2 and 3 of section 163 shall be deemed to have been in effect on and after the 1st day of January, 1974.

Short title — **274.** This Act may be cited as *The Education Act, 1974*.

CHAPTER 110

The Provincial Parks Municipal Tax Assistance Act, 1974

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "municipality" means a city, town, village, township and improvement district;

(*b*) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs;

(*c*) "provincial park" means a provincial park, a park operated under *The Niagara Parks Act, The St. Clair Parkway Commission Act, 1966*, or *The St. Lawrence Parks Commission Act*, a wilderness area and a historical park or part thereof as determined under section 2. R.S.O. 1970, cc. 298, 447 1966, c. 146

Determination by Minister of Natural Resources

2.—(1) Subject to section 7, the Minister of Natural Resources shall annually, on or before the 1st day of February, determine and advise the Ministry of,

(*a*) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more provincial parks or any part thereof;

(*b*) the number of acres to the nearest whole acre in each provincial park or part thereof so located within each such municipality.

Parks deemed not separated from municipalities R.S.O. 1970, c. 371

(2) For the purposes of this Act, notwithstanding subsection 5 of section 3 of *The Provincial Parks Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

Determination final

(3) The determination of the Minister of Natural Resources under subsection 1 is final.

Determination by Ministry

3.—(1) Subject to section 7, the Ministry shall annually, on or before the 1st day of February determine, in respect of each municipality whose jurisdiction includes any part of the Niagara Escarpment Planning Area within the meaning of *The Niagara Escarpment Planning and Development Act, 1973*, or any part of the Parkway Belt Planning Area within the meaning of *The Parkway Belt Planning and Development Act, 1973*, the number of acres to the nearest whole acre of all land in such municipality situate within the planning areas and owned on the next preceding 1st day of January by Her Majesty in right of Ontario, excluding,

1973, cc. 52, 53

R.S.O. 1970, c. 292

(*a*) "highways" within the meaning of *The Municipal Tax Assistance Act*;

(*b*) land that is included in a provincial park; and

(*c*) land upon which taxes or payments in lieu of taxes are payable to the municipality in the year in respect of such land under any other general or special Act.

Determination final

(2) The determination of the Ministry under subsection 1 is final.

Payments

4. Commencing with the year 1974, the Ministry may pay in each year,

(*a*) to a municipality in which there are one or more provincial parks,

(i) $5 per acre for each of the first 100 acres of each such park and $2 per acre for each acre in excess of 100 acres in each such park up to 10,000 acres in each such park and $0.50 per acre for each acre in excess of 10,000 acres in each such park, or

(ii) $100,

whichever is the greater; and

(*b*) to each municipality in respect of which a determination has been made under section 3,

(i) $5 per acre for each of the first 100 acres of such land and $2 per acre for each acre in excess of 100 acres up to 10,000 acres and $0.50 per acre for each acre in excess of 10,000 acres, or

(ii) $100,

whichever is the greater.

Municipal assessment deemed increased

5.—(1) For the purposes of any general or special Act, the equalized assessment of a municipality that receives a payment under this Act shall be deemed for apportionment purposes, other than for school purposes or for county purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

(2) In determining the taxes levied on commercial and industrial assessment under subsection 1, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

Moneys

6.—(1) Subject to subsection 2, the moneys required for the purposes of this Act are payable out of such moneys as may be appropriated therefor by the Legislature.

Idem

(2) In respect of a park owned and operated by a commission established under an Act mentioned in clause *c* of section 1, the moneys required for the purposes of this Act are payable out of the funds of the commission.

Idem

(3) Notwithstanding subsection 2, the moneys required for the purposes of this Act by a commission mentioned in subsection 2 shall, for 1974, be paid out of the moneys appropriated therefor by the Legislature.

Determination for 1974

7. The annual determinations required under sections 2 and 3 shall be made for the purposes of payments in 1974 as soon as is practicable after the coming into force of this Act.

Repeal

8. *The Provincial Parks Municipal Tax Assistance Act, 1971*, being chapter 78, is repealed.

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Provincial Parks Municipal Tax Assistance Act, 1974*.

CHAPTER 111

An Act to amend The Municipal Affairs Act

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 12 of *The Municipal Affairs Act*, being chapter 118 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "which approval shall be granted if the Ministry is satisfied that the municipality has complied with the provisions of this Act". s. 12 (*b*), amended

2. Subsection 4 of section 47 of the said Act is amended by adding at the end thereof "and at the expiry of such period of redemption, the municipality may sell or convey the land or by by-law declare the land to be required for municipal purposes without further notice to any such party". s. 47 (4), amended

3. Subsections 2 and 3 of section 53 of the said Act are repealed. s. 53 (2, 3), repealed

4. Form 2 of the said Act is repealed and the following substituted therefor: Form 2, re-enacted

FORM 2

(*Section 47 (4)*)

NOTICE OF REGISTRATION OF TAX ARREARS CERTIFICATE

TAKE NOTICE, that, by virtue of *The Municipal Affairs Act*, section 47, a tax arrears certificate has been registered against the following lands, namely:

.....

.....

and by reason thereof the same are vested in and are the property of The Corporation of the ..... of ..... (*naming the municipality*) subject only to your right of redemption of the same on or before the ....., day of ....., 19..., which is the last day for redemption.

AND TAKE FURTHER NOTICE, that, at the expiry of the redemption period, the municipality may sell or convey such land or by by-law declare such land to be required for municipal purposes without further notice to you.

Dated at ..... this ..... day of .....,

19...

.....
Treasurer

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Municipal Affairs Amendment Act, 1974*.

CHAPTER 112

The Employment Standards Act, 1974

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpretation

(*a*) "Deputy Minister" means the Deputy Minister of Labour;

(*b*) "Director" means the person appointed by the Minister as Director of Employment Standards for the purposes of this Act;

(*c*) "employee" includes a person who,

(i) performs any work for or supplies any services to an employer for wages,

(ii) does homework for an employer, or

(iii) receives any instruction or training in the activity, business, work, trade, occupation or profession of the employer,

and includes a person who was an employee;

(*d*) "employer" includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein, and includes a person who was an employer;

(*e*) "employment standard" means a requirement imposed upon an employer in favour of an employee by this Act or the regulations;

(*f*) "employment standards officer" means a person appointed for the purposes of this Act, and includes the Director;

(*g*) "homework" means the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof in premises occupied primarily as living accommodation, and "homeworker" has a corresponding meaning;

(*h*) "Minister" means the Minister of Labour;

(*i*) "Ministry" means the Ministry of Labour;

(*j*) "overtime rate" means the hourly rate of pay that an employee is entitled to receive for hours of work in excess of,

(i) the hours of work in a week prescribed in section 25 or the regulations, or

(ii) the regular hours of work in a day or a week under a contract of employment that under subsection 2 of section 4 prevails over the provisions of section 25,

and "overtime pay" has a corresponding meaning;

(*k*) "premium rate" means the rate of pay to which an employee is entitled for each hour of employment on a public holiday, or a day that is deemed to be a public holiday, and "premium pay" has a corresponding meaning;

(*l*) "public holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day;

(*m*) "regular rate" means,

(i) the wage rate of an employee for an hour of work in a regular non-overtime work week,

(ii) where subclause i does not apply, the average hourly rate calculated by dividing the wages of an employee earned in a week by the number of hours the employee worked in that week where the employer has made and kept in accordance with this Act complete and accurate records thereof, or

(iii) where subclauses i and ii do not apply, the hourly rate determined by an employment standards officer;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "termination pay" means the amount of pay to which an employee is entitled under section 40;

(*p*) "wages" means any monetary remuneration payable by an employer to an employee under the terms of a contract of employment, oral or written, express or implied, any payment to be made by an employer to an employee under this Act, and any allowances for room or board as prescribed in the regulations or under an agreement or arrangement therefor but does not include,

(i) tips and other gratuities,

(ii) any sums paid as gifts or bonuses that are dependent on the discretion of the employer and are not related to hours, production or efficiency,

(iii) travelling allowances or expenses,

(iv) contributions made by an employer to a fund, plan or arrangement to which Part X of this Act applies;

(*q*) "week" means a period of seven consecutive days;

(*r*) "work week" means a week of work established by the practice of the employer or determined by an employment standards officer. R.S.O. 1970, c. 147, s. 1, *amended*.

PART I

GENERAL APPLICATION

Application of Act

2.—(1) Parts IX, X, XI and XII apply to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown. R.S.O. 1970, c. 147, ss. 12, 25 (6); 1972, c. 120, s. 1, *part, amended*.

Idem

(2) This Act applies to every contract of employment, oral or written, express or implied,

(*a*) where the employment is for work or services to be performed in Ontario; or

(*b*) where the employment is for work or services to be performed both in and out of Ontario and the work or services out of Ontario are a continuation of the work or services in Ontario.

Non-application of 1971, c. 47

(3) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the exercise of any power conferred by section 5, 12, 16, 18, 20, 24, subsection 3 of section 25 or section 30, 32, subsection 4 of section 33 or section 39, 47 or 49 of this Act. *New.*

Waiver, etc., to be null and void

3. Subject to section 4, no employer, employee, employers' organization or employees' organization shall contract out of or waive an employment standard, and any such contracting out or waiver is null and void. R.S.O. 1970, c. 147, s. 3, *amended.*

Employment standard deemed minimum

4.—(1) An employment standard shall be deemed a minimum requirement only. *New.*

Greater benefit to prevail

(2) A right, benefit, term or condition of employment under a contract, oral or written, express or implied, or under any other Act or any schedule, order or regulation made thereunder that provides in favour of an employee a higher remuneration in money, a greater right or benefit or lesser hours of work than the requirement imposed by an employment standard shall prevail over an employment standard. R.S.O. 1970, c. 147, s. 9, *amended.*

Provisions of collective agreements R.S.O. 1970, c. 232

5.—(1) Where terms or conditions of employment in a collective agreement as defined in *The Labour Relations Act* confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. 1973, c. 172, s. 1, *amended.*

Terms and conditions that are not in collective agreements

(2) Where the Director finds that terms or conditions of employment in a contract of employment oral or written, express or implied, that are not in a collective agreement confer a higher remuneration in money or a greater right or benefit for an employee respecting holidays than the provisions of Part VII, the terms or conditions of employment shall prevail. *New.*

Civil remedy not suspended or affected

6. No civil remedy of an employee against his employer is suspended or affected by this Act. *New.*

PART II

GENERAL PROVISIONS

Payment of wages

7.—(1) An employer shall pay to an employee all wages to which an employee is entitled under,

(*a*) an employment standard; or

(*b*) a right, benefit, term or condition of employment under a contract of employment, oral or written, express or implied, that prevails over an employment standard,

in cash or by cheque.

Place of payment of wages

(2) All wages shall be paid at the work place of the employee, or at a place agreed upon by the employer and the employee.

Time of payment of wages

(3) All wages due and owing to an employee shall be paid by an employer on the regular pay day of the employee as established by the practice of the employer.

Payment on termination

(4) Any payment to which an employee is entitled upon termination of employment shall be paid by the employer to the employee not later than seven days after termination of employment. *New.*

No set-off, etc., to be claimed against wages

8. Except as permitted by the regulations, no employer shall claim a set-off against wages, make a claim against wages for liquidated or unliquidated damages or retain, cause to be returned to himself, or accept, directly or indirectly, any wages payable to an employee. R.S.O. 1970, c. 147, s. 4, *amended.*

Garnishment not grounds for dismissal

9. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against the employee. R.S.O. 1970, c. 147, s. 5.

Statement of wages

10.—(1) An employer shall furnish to an employee at the time wages are paid to the employee a statement in writing, which can be retained by the employee, setting forth,

(*a*) the period of time or the work for which the wages are being paid;

(*b*) the rate of wages to which the employee is entitled unless such information is furnished to the employee in some other manner;

(*c*) the amount of the wages to which the employee is entitled;

(*d*) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made;

(*e*) any living allowance or other payment to which the employee is entitled; and

(*f*) the net amount of money being paid to the employee. R.S.O. 1970, c. 147, s. 33, *amended*.

Statement of vacation pay

(2) Unless the information is given to an employee in some other manner, an employer shall furnish to an employee at the time vacation pay is paid to the employee a statement in writing which can be retained by the employee setting forth,

(*a*) the period of time or the work for which the vacation pay is being paid;

(*b*) the amount of the wages upon which the vacation pay is being paid;

(*c*) the amount of each deduction from the vacation pay and its purpose; and

(*d*) the net amount of vacation pay being paid to the employee. *New*.

Records

11.—(1) An employer shall,

(*a*) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of twenty-four months after work is performed or services are supplied by an employee complete and accurate records in respect of the employee showing,

(i) the employee's name and address,

(ii) the employee's date of birth, if the employee is a student under eighteen years of age,

(iii) the number of hours worked by the employee in each day and week,

(iv) the employee's wage rate and gross earnings,

(v) the amount of each deduction from the wages of the employee and the purpose for which each deduction is made,

(vi) any living allowance or other payment to which the employee is entitled,

(vii) the net amount of money being paid to the employee, and

(viii) any documents or certificates relating to pregnancy leave under Part XI; and

(*b*) make and keep in Ontario or in a place out of Ontario authorized by the Director for a period of five years after work is performed by an employee complete and accurate records in respect of the employee showing,

(i) the employee's name and address,

(ii) the date of commencement of employment and the anniversary date thereof, and

(iii) the employee's wages during each pay period and the vacations with pay or payment under section 31. R.S.O. 1970, c. 147, s. 38 (1), *amended*.

Exception

(2) Subclause iii of clause *a* of subsection 1 does not apply in respect of the salaried employees of an employer who perform work of a clerical or administrative nature where the employer makes and keeps a record showing the number of hours worked by such employees in excess of eight hours a day and forty-four hours a week. R.S.O. 1970, c. 147, s. 38 (2), *amended*.

Related activities, etc., may be treated as one employer

12.—(1) Where before or after this Act comes into force associated or related activities, businesses, trades or undertakings are or were carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, under common control or direction, and a person is or was an employee of such corporations, individuals, firms, syndicates or associations, or any combination thereof, an employment standards officer may treat the corporations, individuals, firms, syndicates or associations as one employer for the purposes of this Act. R.S.O. 1970, c. 147, s. 6, *amended*.

Individual liability

(2) The corporations, individuals, firms, syndicates or associations treated as one employer shall be individually liable for any contravention of this Act and the regulations. *New.*

Interpretation

13.—(1) In this section,

(*a*) "business" includes an activity, trade or undertaking, or a part or parts thereof;

(*b*) "sells" includes leases, transfers or any other manner of disposition and "sale" has a corresponding meaning.

Continuity of employment

(2) Where an employer sells his business to a purchaser who employs an employee of the employer, the employment of the employee shall not be terminated by the sale, and the period of employment of the employee with the employer shall be deemed to have been employment with the purchaser for the purposes of Parts VII, VIII, XI and XII.

Part XII to be complied with

(3) Where an employer sells his business to a purchaser who does not employ an employee of the employer, the employer shall comply with Part XII. R.S.O. 1970, c. 147, s. 7, *amended.*

Priority of claims

R.S.C. 1970, c. B-4

14. Notwithstanding the provisions of any other Act and except upon a distribution made by a trustee under the *Bankruptcy Act* (Canada), wages shall have priority to the claims or rights and be paid in priority to the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of $2,000 for each employee. R.S.O. 1970, c. 147, s. 8 (1), *amended.*

Vacation pay deemed to be held in trust

15. Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee whether or not the amount therefor has in fact been kept separate and apart by the employer and the vacation pay becomes a lien and charge upon the assets of the employer that in the ordinary course of business would be entered in books of account whether so entered or not. R.S.O. 1970, c. 147, s. 8 (2), *amended.*

PART III

HOMEWORKERS

Application for permit

16.—(1) An application for a permit to employ homeworkers shall be made by the employer to the Director.

(2) No person shall employ a homeworker without a permit therefor issued by the Director. Permit

(3) The Director may, Terms, conditions, revocation and suspension of permit

(*a*) issue a permit on such terms and conditions as he considers advisable;

(*b*) revoke or suspend a permit for a breach of a term or condition thereof, or where the holder is liable for a nuisance within the meaning of *The Public Health Act*, or for a contravention of any Act. R.S.O. 1970, c. 377

(4) Every employer shall keep a register and enter therein the name and address of every homeworker to whom the employer gives homework, and the wages paid therefor. R.S.O. 1970, c. 147, s. 32, *amended*. Register of homeworkers

PART IV

HOURS OF WORK

17. Except as otherwise provided in this Part, and subject to any schedule in force under *The Industrial Standards Act*, the hours of work of an employee shall not exceed eight in the day and forty-eight in the week. R.S.O. 1970, c. 147, s. 14 (1), *amended*. Maximum working hours R.S.O. 1970, c. 221

18. An employer may, with the approval of the Director, and upon such terms and conditions as the Director prescribes, adopt a regular day of work in excess of eight hours but not in excess of twelve hours, provided that the total hours of work of each employee shall not exceed forty-eight hours in a week. R.S.O. 1970, c. 147, s. 15 (1), *amended*. Variation of working day

19. In case of an accident or in case of work urgently required to be done to machinery or plant, the employer may require the limit of hours of work prescribed by section 17 or approved under section 18 to be exceeded but only so far as may be necessary to avoid serious interference with the ordinary working of the establishment. R.S.O. 1970, c. 147, s. 16 (4), *amended*. Exceeding maximum in case of accident

20.—(1) The Director may issue a permit authorizing hours of work in excess of those prescribed by section 17 or approved under section 18, but the excess hours of work shall not exceed, Permits for excess hours

(*a*) in the case of an engineer, fireman, full-time maintenance man, receiver, shipper, delivery truck driver or his helper, watchman or other person who, in the opinion of the Director, is engaged in a similar occupation, twelve hours in each week for each employee; and

(*b*) in the case of all other employees, 100 hours in each year for each employee. R.S.O. 1970, c. 147, s. 16 (1), *amended*.

Idem

(2) Where the Director is satisfied that the work or the perishable nature of raw material being processed requires hours of work in excess of those permitted under subsection 1, he may issue a permit therefor. R.S.O. 1970, c. 147, s. 16 (2), *amended*.

Permit does not obligate employee

(3) The issuance of a permit under this section does not require an employee to work any hours in excess of those prescribed by section 17 or approved under section 18 without the consent or agreement of the employee or his agent to hours in excess of eight in the day or forty-eight in the week. R.S.O. 1970, c. 147, s. 18 (2), *amended*.

Terms and conditions of permit

(4) A permit issued under this section shall contain such terms, conditions and limitations as the Director prescribes. R.S.O. 1970, c. 147, s. 17, *amended*.

Agreements subject to maximums

21. Except as otherwise provided in this Part, no employer may require or permit work, and no employee may work or agree to work, any hours that exceed the maximum hours established under this Act. R.S.O. 1970, c. 147, s. 18 (1), *amended*.

Eating periods

22. Every employer shall provide eating periods of at least one-half hour, or such shorter period as is approved by the Director, at such intervals as will result in no employee working longer than five consecutive hours without an eating period. R.S.O. 1970, c. 147, s. 20, *amended*.

PART V

MINIMUM WAGES

Statutory agreement for minimum wage

23. Every employer who permits any employee to perform work or supply any services in respect of which a minimum wage is established shall be deemed to have agreed to pay to the employee at least the minimum wage established under this Act. R.S.O. 1970, c. 147, s. 22, *amended*.

Handicapped employees

24. For the purpose of enabling a handicapped person to be gainfully employed, the Director may, upon the application of the handicapped person or his employer and with the consent of the handicapped person, his parent or guardian, authorize the employment of such handicapped person to perform such work as is authorized at a wage lower than the minimum wage prescribed under this Act. R.S.O. 1970, c. 147, s. 23, *amended*.

PART VI

OVERTIME PAY

Overtime pay

25.—(1) Except as otherwise provided in the regulations, where an employee works for an employer in excess of forty-four hours in any week, he shall be paid for each hour worked in excess of forty-four hours overtime pay at an amount not less than one and one-half times the regular rate of the employee.

Idem

(2) In complying with subsection 1, no employer shall reduce the regular rate of wages payable to an employee. 1973, c. 172, s. 3, *amended*.

Employment standards officer may determine regular rate

(3) Where an employer has not made and kept complete and accurate records in respect of an employee pursuant to clause *a* of subsection 1 of section 11, an employment standards officer may determine the regular rate of and the number of hours worked by the employee in each day and week. *New*.

PART VII

PUBLIC HOLIDAYS

Application

26.—(1) This section does not apply to an employee who,

(*a*) is employed for less than three months;

(*b*) has not earned wages on at least twelve days during the four work weeks immediately preceding a public holiday;

(*c*) fails to work his scheduled regular day of work preceding or his scheduled regular day of work following a public holiday;

(*d*) has agreed to work on a public holiday and who, without reasonable cause, fails to report for and perform the work; or

(*e*) is employed under an arrangement whereby the employee may elect to work or not when requested so to do. 1973, c. 172, s. 7, *part, amended.*

Holiday with pay

(2) Subject to subsections 3, 4 and 5, an employer shall give to an employee a holiday on and pay to the employee his regular wages for each public holiday.

Working day substituted for holiday

(3) Where a public holiday falls upon a working day for an employee, an employer may with the agreement of the employee or his agent substitute another working day for the public holiday which day shall not be later than the next annual vacation of the employee, and the day so substituted shall be deemed to be the public holiday.

Holiday that is a non-working day

(4) Where a public holiday falls on a non-working day for an employee or in his vacation an employer shall,

(*a*) with the agreement of the employee or his agent pay the employee his regular wages for the public holiday; or

(*b*) designate a working day that is not later than the next annual vacation of the employee and the day so designated shall be deemed to be the public holiday. 1973, c. 172, s. 7, *part, amended.*

Holiday pay

(5) Notwithstanding subsection 3, where an employee is employed in a hotel, motel, tourist resort, restaurant, tavern, continuous operation or a hospital, and the employee is required to work and works on a public holiday, the employer shall,

(*a*) pay the employee in accordance with subsection 1 of section 27; or

(*b*) pay the employee for each hour worked on a public holiday an amount not less than his regular wages and give to the employee a holiday on his first working day immediately following his next annual vacation or on a working day agreed upon and pay him his regular wages for that day.

Interpretation

(6) For the purposes of subsection 5,

(*a*) "continuous operation" means that part of an establishment, industry or service in which in each seven day period operations once commenced

normally continue day and night without cessation until the completion of the regularly scheduled operations for that period;

(*b*) "hospital" means a hospital as defined in *The Hospital Labour Disputes Arbitration Act*. *New*. R.S.O. 1970, c. 208

Premium rate for holiday

27.—(1) Subject to subsection 5 of section 26, where an employee works on a public holiday, the employer shall pay to the employee for each hour worked a premium rate of not less than one and one-half times his regular rate and, where the employee is entitled to the holiday with pay, his regular wages in addition thereto. 1973, c. 172, s. 7, *part, amended*.

Work on holiday not overtime

(2) Where an employee works on a public holiday, the hours the employee works on the public holiday shall not be taken into consideration in calculating any overtime pay to which the employee is entitled for the work week in which the public holiday occurs. *New*.

Payment for holiday where employment ceases

28. Where the employment of an employee ceases before the day that is substituted, designated or given for the public holiday under subsection 3, clause *b* of subsection 4, or clause *b* of subsection 5, of section 26, the employer shall pay to the employee in addition to any other payment to which the employee is entitled upon the ceasing of employment his regular wages for that day. *New*.

PART VIII

VACATION WITH PAY

Vacations

29.—(1) Every employer shall give to each employee a vacation with pay of at least two weeks upon the completion of each twelve months of employment.

Idem

(2) The amount of pay for such vacation shall be not less than an amount equal to 4 per cent of the wages of the employee in the twelve months of employment for which the vacation is given and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended*.

When vacation to be taken

30.—(1) The employer shall determine the period when an employee may take the vacation to which he is entitled under section 29, which may be a two week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the twelve month period for which the vacation was given.

Director may require employer to pay

(2) Notwithstanding subsection 1 of this section and subsection 3 of section 7, the Director may require an employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 29. 1973, c. 172, s. 7, *part, amended.*

Idem

(3) Subsection 2 applies notwithstanding that there is a strike or lock-out as a result of a labour dispute. *New.*

Vacation pay

31. Where the employment of an employee ceases before the completion of a twelve month period of employment or the employee has not been given a vacation with pay pursuant to section 29, the employer shall pay to the employee an amount equal to 4 per cent of the wages of the employee in any twelve month period or periods or part thereof and in calculating wages no account shall be taken of any vacation pay previously paid. 1973, c. 172, s. 5, *part, amended.*

Agreements respecting vacation or vacation pay

32. Any agreement between an employer and an employee or employees or his or their agent respecting the method of providing funds for paying vacation pay, or payment in lieu of vacation, or of any arrangements for the taking of vacation, is subject to the approval of the Director. 1973, c. 172, s. 5, *part.*

PART IX

EQUAL PAY FOR EQUAL WORK

Equal pay for equal work

33.—(1) No employer or person acting on behalf of an employer shall differentiate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or *vice versa*, for substantially the same kind of work performed in the same establishment, the performance of which requires substantially the same skill, effort and responsibility and which is performed under similar working conditions, except where such payment is made pursuant to,

(*a*) a seniority system;

(*b*) a merit system;

(*c*) a system that measures earnings by quantity or quality of production; or

(*d*) a differential based on any factor other than sex.

Pay not to be reduced

(2) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1.

(3) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his employees rates of pay that are in contravention of subsection 1. Employer not to be requested to contravene subs. 1

(4) Where an employment standards officer finds that an employer has failed to comply with subsection 1, the employment standards officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages. R.S.O. 1970, c. 147, s. 25 (1-4), *amended*. Determination by employment standards officer

PART X

BENEFIT PLANS

34.—(1) This Part applies to a fund, plan or arrangement provided, furnished or offered or to be provided, furnished or offered by an employer to his employees, Application

(*a*) under a term or condition of employment; or

(*b*) in which an employee may elect to participate or not and to which the employer contributes or does not contribute,

that directly or indirectly provides benefits to his employees, their beneficiaries, survivors or dependants, whether payable periodically or not, for superannuation, retirement, unemployment, income replacement, death, disability, sickness, accident, or medical, hospital, nursing or dental expenses, or other similar benefits or benefits under a deferred profit sharing plan in which employees participate in profits of the employer where the profits accumulated under the plan are permitted to be withdrawn or distributed upon death or retirement or upon contingencies other than death or retirement.

(2) Except as provided in the regulations, no employer or person acting directly on behalf of an employer shall provide, furnish or offer any fund, plan, arrangement or benefit that differentiates or makes any distinction, exclusion or preference between his employees or a class or classes of his employees or their beneficiaries, survivors or dependants because of the age, sex or marital status of his employees. No differentiation because of age, etc.

(3) No organization of employers or employees, or person acting directly on behalf of an organization of employers Employer not to be requested to contravene subs. 2

or employees, shall cause or attempt to cause an employer, directly or indirectly, to act contrary to subsection 2.

Powers of Director

(4) Where, in the opinion of the Director, an employer, an organization of employers or employees or a person acting directly on behalf of an employer or such organization may have acted contrary to subsection 2, the Director may exercise the power conferred by subsection 1 of section 51, and section 51 applies *mutatis mutandis*.

Regulations

(5) In addition to the powers conferred by section 65, the Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and without restricting the generality of the foregoing, may make regulations,

(*a*) exempting any fund, plan or arrangement or part thereof, heretofore or hereafter in existence, or any benefits thereunder from the application of this Part or any provision thereof;

(*b*) permitting a fund, plan or arrangement to provide, furnish or offer a benefit or benefits that differentiate or make a distinction, exclusion or preference between employees or a class thereof or their beneficiaries, survivors or dependants;

(*c*) suspending the application of this Part or any provision thereof to any fund, plan or arrangement or any benefits thereunder, whether provided, furnished or offered under a collective agreement or not, for such period or periods of time as may be prescribed;

(*d*) providing that an employer may not reduce any benefits to an employee or class of employees under any fund, plan or arrangement provided, furnished or offered in order that the employer may comply with subsection 2;

(*e*) providing the terms or conditions under which an employee may be entitled or disentitled to a benefit under a fund, plan or arrangement;

(*f*) defining any expression used in this Part, or in the regulations under this Part. *New*.

PART XI

PREGNANCY LEAVE

Pregnancy leave

35. No employer shall terminate the employment of or lay off an employee who is entitled to a leave of absence under section 36, but the employer may require the employee to commence a leave of absence pursuant to section 36 at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of her work is materially affected by the pregnancy. 1972, c. 120, s. 1, *part, amended.*

When leave to be taken

36.—(1) An employee who is pregnant and who has been employed by her employer for a period of at least twelve months and eleven weeks immediately preceding the estimated day of her delivery, whether such employment commenced before or after the coming into force of this Act, shall be entitled upon her application therefor to a leave of absence of at least seventeen weeks from her employment or such shorter leave of absence as the employee may request commencing during the period of eleven weeks immediately preceding the estimated day of her delivery.

Leave after delivery

(2) Notwithstanding subsection 1 and subject to subsection 5, where the actual date of her delivery is later than the estimated day of her delivery, the leave of absence shall not end before the expiration of six weeks following the actual date of her delivery.

Notice

(3) The employee shall give her employer two weeks notice in writing of the day upon which she intends to commence her leave of absence and furnish her employer with the certificate of a legally qualified medical practitioner stating that she is pregnant and giving the estimated day upon which delivery will occur in his opinion.

Leave may be shortened

(4) Subject to subsection 5, an employee may, with the consent of her employer, shorten the duration of the leave of absence requested under subsection 1.

Furnishing of certificate

(5) An employee may shorten the duration of the six week period mentioned in subsection 2 upon giving her employer one week's notice of her intention so to do and furnishing her employer with the certificate of a legally qualified medical practitioner stating that she is able to resume her work. 1972, c. 120, s. 1, *part, amended.*

Leave where employee ceases work

37. An employee who does not apply for leave of absence under section 36, and who is otherwise entitled to pregnancy leave thereunder, shall be entitled to and shall be granted leave of absence in accordance with section 36 upon providing her employer before the expiry of two weeks after she ceased to work with a certificate of a legally qualified medical practitioner stating that she was not able to perform the duties of her employment because of a medical condition arising from her pregnancy, and giving the estimated day upon which, in his opinion, delivery will occur or the actual date of her delivery. *New*.

Reinstatement and preservation of seniority

38.—(1) An employee who intends to resume her employment on the expiration of a leave of absence granted to her under this Part shall so advise her employer and on her return to work her employer shall reinstate the employee to her position or provide her with alternative work of a comparable nature at not less than her wages at the time her leave of absence began and without loss of seniority or benefits accrued to the commencement of her leave of absence. 1972, c. 120, s. 1, *part, amended*.

Idem

(2) Where the employer has suspended or discontinued operations during the leave of absence and has not resumed operations upon the expiry thereof, the employer shall, upon resumption of operations, reinstate the employee to her employment or to alternate work in accordance with an established seniority system or practice of the employer in existence at the time her leave of absence began with no loss of seniority or benefits accrued to the commencement of her leave of absence, and in the absence of such a system or practice shall reinstate the employee in accordance with subsection 1. *New*.

Employment standards officer may make order

39. Where an employer fails to comply with the provisions of this Part, an employment standards officer may order what action, if any, the employer shall take or what he shall refrain from doing in order to constitute compliance with this Part and may order what compensation shall be paid by the employer to the Director in trust for the employee. *New*.

PART XII

TERMINATION OF EMPLOYMENT

Notice of termination

40.—(1) No employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,

(*a*) one week's notice in writing to the employee if his period of employment is less than two years;

(*b*) two weeks notice in writing to the employee if his period of employment is two years or more but less than five years;

(*c*) four weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and

(*d*) eight weeks notice in writing to the employee if his period of employment is ten years or more,

and such notice has expired. R.S.O. 1970, c. 147, s. 13 (1), *amended*.

Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more employees in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the termination shall not take effect. R.S.O. 1970, c. 147, s. 13 (2).

Exceptions

(3) Subsections 1 and 2 do not apply to,

(*a*) an employee employed for a definite term or task;

(*b*) an employee who is temporarily laid off, as defined in the regulations;

(*c*) an employee who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;

(*d*) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or

(*e*) an employee employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations. R.S.O. 1970, c. 147, s. 13 (3).

Application of subss. 1, 2

(4) Notwithstanding clause *d* of subsection 3, subsections 1 and 2 shall apply to an employee whose contract of employment is or has become impossible of performance or frustrated by an order, direction or notice made, given or issued against an employer under *The Environmental Protection Act, 1971*. 1973, c. 172, s. 2.

1971, c. 86

Employer to co-operate with Minister

(5) Where an employer is required to give the notice referred to in subsection 2 he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the employees whose employment is to be terminated. R.S.O. 1970, c. 147, s. 13 (4).

Rate of wages, etc., not to be altered

(6) Where the notice referred to in subsection 1 or 2 has been given,

(*a*) no employer shall alter the rates of wages or any other term or condition of employment of any employee to whom notice has been given;

(*b*) an employer shall pay to the employee during the period of notice the wages the employee is entitled to receive which in no case shall be less than his regular wages for a regular non-overtime work week; and

(*c*) upon the expiry of the notice, the employer shall pay to the employee any wages or vacation pay to which he is entitled. R.S.O. 1970, c. 147, s. 13 (5), *amended*.

Where employment terminated contrary to section

(7) Where the employment of an employee is terminated contrary to this section, the employer shall pay the employee termination pay of an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1 or 2, and any wages to which he is entitled. *New*.

Notice by employee

(8) An employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,

(*a*) one week's notice in writing to the employer if the period of employment is less than two years; or

(*b*) two weeks notice in writing to the employer if the period of employment is two years or more,

unless his employer has been guilty of a breach of the terms and conditions of employment. R.S.O. 1970, c. 147, s. 13 (9, 10), *amended*.

PART XIII

ADMINISTRATION

Minister responsible for administration

41.—(1) The Minister is responsible for the administration of this Act. R.S.O. 1970, c. 147, s. 2 (1).

Director to be appointed

(2) The Minister shall appoint a person to be the Director of Employment Standards for the purposes of the general administration of this Act and the regulations including the supervision and direction of employment standards officers. R.S.O. 1970, c. 147, s. 2 (2), *amended*.

Appointment of employment standards officers R.S.O. 1970, c. 386

(3) Such persons as are considered necessary to enforce this Act and the regulations may be appointed as employment standards officers under *The Public Service Act*. *New*.

Acting Director

(4) Where the Director is absent or unable to act or where the office is vacant, the powers and duties of the Director shall be exercised and performed by an employee of the Ministry designated by the Minister. R.S.O. 1970, c. 147, s. 11, *amended*.

Appointment of referees

42.—(1) The Minister shall appoint during his pleasure such persons to a panel of referees as he considers necessary for the purposes of this Act.

Remuneration

(2) A referee shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. *New*.

Powers and duties of Director

43.—(1) The Director may exercise the powers conferred and shall perform the duties imposed upon him under this Act.

Authority to exercise power

(2) The Director may authorize an employment standards officer orally or in writing to exercise a power conferred upon the Director under this Act.

Powers and duties of employment standards officer

(3) An employment standards officer may exercise the powers conferred and shall perform the duties imposed upon him under this Act. *New*.

Certificate of appointment

44.—(1) The Deputy Minister shall issue a certificate of appointment bearing his signature or a facsimile thereof to every employment standards officer.

Production of certificate

(2) Every employment standards officer, in the exercise of any of his powers or the performance of any of his duties under this Act, shall produce his certificate of appointment upon request. *New*.

Powers of employment standards officer

45.—(1) An employment standards officer may, for the purpose of ensuring that the provisions of this Act and the regulations are being complied with,

(*a*) subject to subsection 2, enter in or upon the lands or premises of a person at any reasonable time or times without a warrant for the purpose of carrying out an inspection, audit or examination;

(*b*) require the production for inspection, audit or examination of all books of account, documents, vouchers, payrolls, records, letters patent, by-laws, minutes of directors' meetings, or documents that are or may be relevant to the inspection, audit or examination;

(*c*) upon giving a receipt therefor, remove any books, papers, records or documents examined under clause *b* for the purpose of making copies or extracts of such books, papers, documents, or things, but such copying shall be carried out with reasonable dispatch and the books, papers, records or documents shall be promptly returned thereafter to the person who produced or furnished them;

(*d*) make any inquiries of any person separate or apart from another person that are or may be relevant to the inspection, audit or examination.

Entry into dwelling

(2) No employment standards officer shall enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. R.S.O. 1970, c. 147, s. 40, *amended*.

R.S.O. 1970, c. 450

Employment standards officer not competent or compellable as witness

(3) No employment standards officer is a competent or compellable witness in a civil suit or proceeding respecting any information, material or statements acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act.

Production of documents

(4) No employment standards officer shall be compelled or required to produce in a civil suit or proceeding any document, extract, report, material or statement acquired, furnished, obtained, made or received under the powers conferred under this Act except for the purposes of carrying out his duties under this Act. *New*.

46.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an employment standards officer in the exercise of a power or the performance of a duty under this Act. Obstruction

(2) Every person shall furnish all necessary means in his power to facilitate any entry, production, inspection, audit, examination or inquiry by an employment standards officer in the exercise of a power or the performance of a duty under this Act. Assistance to officer

(3) No person shall neglect or refuse to produce all books, ledgers, vouchers, payrolls, records, letters patent, minutes of directors' meetings, or documents that are or may be relevant to an inspection, audit or examination. *New.* Production of records

47.—(1) Where an employment standards officer finds that an employee is entitled to any wages from an employer, he may, Powers

(*a*) arrange with the employer that the employer pay directly to the employee the wages to which the employee is entitled;

(*b*) receive from the employer on behalf of the employee any wages to be paid to the employee as the result of a compromise or settlement; or

(*c*) issue an order in writing to the employer to pay forthwith to the Director in trust any wages to which an employee is entitled and such order shall provide in addition for payment by the employer to the Director of a penalty of 10 per cent of the wages or the sum of $25, whichever is the greater, provided that the order shall not order the employer to pay a sum exceeding $4,000 for an employee.

(2) Where an employment standards officer issues an order under subsection 1, the order shall contain or have attached thereto information indicating the nature of the amount to be paid to an employee. Contents of order

(3) An order issued under subsection 1 may order an employer to pay wages to one or more than one employee to which one or more than one employee is entitled for one or more than one failure to comply with a contract or more than one contract of employment or with this Act and the regulations. Idem

Delivery or service of order

(4) An order issued under subsection 1 shall be delivered to the employer by registered mail addressed to the employer at his or its last known place of business or served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer, director, manager or person in charge of any branch of the corporation.

Certificate of service

(5) A certificate of the Director certifying that the order was served upon or sent by registered mail to the employer and accompanied by a true copy of the order is admissible as evidence of the issue, service, mailing and receipt of the order.

Compliance with order

(6) Every employer to whom an order is issued under subsection 1 shall comply with it in accordance with its terms. R.S.O. 1970, c. 147, s. 34, *amended*.

Payment to Director in trust

48.—(1) Where an employer has made an arrangement with an employment standards officer for the payment of wages to an employee under clause *a* of subsection 1 of section 47, or an employment standards officer has received wages from an employer for or on behalf of an employee under clause *b* of subsection 1 of section 47, and the employee cannot be conveniently located, the employer shall pay the wages to the Director in trust.

Wages to be held in trust

(2) Where wages have been received or collected for or on behalf of an employee by the Director in trust and the employee cannot be located, the wages shall be vested in and held in trust for Her Majesty and paid into the Consolidated Revenue Fund but may without interest thereon be paid out to the employee, his estate, or such other person as the Director considers is entitled thereto. *New*.

Order may be refused

49.—(1) Where, following a complaint in writing by an employee, an employment standards officer finds that an employer has paid the wages to which an employee is entitled under this Act he may refuse to issue an order to an employer and upon refusing to do so shall advise the employee of the refusal by prepaid letter addressed to the employee at his last known address.

Review of refusal to issue order

(2) An employee who considers himself aggrieved by the refusal to issue an order to an employer may apply to the Director in writing within fifteen days of the date of the mailing of the letter mentioned in subsection 1 for a review of the refusal and the Director shall cause the complaint to be reviewed by an employment standards officer who may exercise any power conferred under subsection 1 of section 47

or may refuse to issue an order, in which case he shall advise the employee of the refusal in accordance with subsection 1. *New*.

Review of order

50.—(1) An employer who considers himself aggrieved by an order made under section 39 or 47, upon paying the wages ordered to be paid and the penalty thereon, if any, may, within a period of fifteen days after the date of delivery or service of the order, or such longer period as the Director may for special reasons allow and provided that the wages have not been paid out pursuant to subsection 2 of section 53, apply for a review of the order by way of a hearing.

Application for review

(2) An application for review shall be made in writing to the Director and shall specify the grounds for the application.

Hearing

(3) The review shall be heard as soon as is practicable by a referee selected by the Director from the panel of referees.

Parties

(4) The employer, the employment standards officer from whose order the application for review is taken and such other persons as the referee may specify are parties to an application for review under this section and on the review the employer shall be the applicant and the employment standards officer and such other persons specified by the referee, if any, shall be the respondents.

Persons to represent groups

(5) Where a group or groups of persons having the same or substantially the same interest may be affected by the findings or opinions of the referee, the referee may specify one or more of the persons comprising the group or groups to represent the group or groups and the one or more so specified are parties to the review.

Powers of referee

(6) On a review under this section, the referee may substitute his findings or opinions for those of the employment standards officer who issued the order being reviewed and may amend, rescind or affirm the order.

Decision final and binding

(7) A decision of the referee under this section is final and binding upon the parties thereto and such other parties as the referee may specify. R.S.O. 1970, c. 147, s. 34, *part*, *amended*.

Appointment of referee

51.—(1) Where an employment standards officer reports to the Director that an employer may have failed to pay the wages owing to an employee under this Act or to comply with this Act and the regulations, or is of the opinion that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the

true intent and purpose of this Act and the regulations, the Director may appoint a referee selected by him from the panel of referees who shall hold a hearing.

Powers of referee

(2) The referee holding the hearing under subsection 1, may, *mutatis mutandis*, exercise the powers conferred upon an employment standards officer under this Act and in addition thereto or substitution therefor, where the referee determines that an act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act and the regulations, he shall state his findings of fact and issue to and cause to be served upon such person as he may direct an order requiring such person to cease and desist from the act, agreement, arrangement or scheme and may order what action, if any, the person shall take or what he shall refrain from doing in order to comply with this Act and the regulations.

Compliance with order

(3) Every employer or person to whom an order is given under subsection 2 shall comply with it in accordance with its terms.

Decision final and binding

(4) The order of the referee is final and not subject to review under section 50. R.S.O. 1970, c. 147, ss. 10, 34, *amended*.

Payment to Director

52.—(1) Where the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, demand that the person pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act. R.S.O. 1970, c. 147, s. 35 (1), *amended*.

Receipt of Director

(2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1970, c. 147, s. 35 (2).

Liability to pay

(3) Every person who has discharged any liability to an employer who is liable to make a payment under this Act without complying with a demand under this section is liable to pay an amount equal to the liability discharged or the amount that he was required under this section to pay, whichever is the lesser. *New*.

Payment to employee

53.—(1) Where wages are received under clause *b* of subsection 1 of section 47, the Director shall pay to the employee or employees the wages received on his or their behalf.

Idem

(2) Where compensation or wages have been paid by an employer under an order issued under section 39 or clause *c* of subsection 1 of section 47, and no application for review has been made to the Director under section 50 within a period of fifteen days from the date of delivery of the order or such longer period as the Director has allowed, the Director shall pay to the employee or employees the compensation or wages obtained on his or their behalf.

Payment after review

(3) Where an application for review under section 50 has been made to the Director, the Director shall pay to the employee or the employees the wages owing, if any, in accordance with the decision of the referee and shall pay to the employer any moneys to which the employer is entitled under the decision.

Moneys to be distributed rateably

(4) Where the moneys received by the Director under this Act are insufficient to pay the wages due employees of an employer in full, the Director shall distribute the moneys received by him, including any penalty, rateably among those employees on whose behalf the moneys were received.

No action to lie

(5) No action or proceeding lies or shall be instituted against the Director for acting in compliance with this section.

Certificate of order

54.—(1) Where an order has been made under this Act requiring an employer to pay any moneys to the Director for or on behalf of an employee or employees, the Director may issue a certificate thereof and cause the same to be filed in a court of competent jurisdiction and thereupon the certificate shall be enforceable as a judgment or order of the court at the instance and in favour of the Director in the same manner as a judgment or order of the court.

Copy of certificate

(2) The Director shall send a copy of the certificate to the employer by registered mail and advise the employer of the date the certificate was filed. *New.*

Demand for information

55.—(1) The Director, for any purpose relating to the administration or enforcement of this Act and the regulations, may, by registered letter addressed to an employer at his or its last known place of business or by demand served personally in the case of an individual and if the employer is a corporation upon the president, vice-president, secretary, treasurer or a director or the manager or person in charge of any branch of the corporation require the production for inspection, audit or examination of such books, papers, records or documents within such time and at such place as are stipulated in such letter or demand. R.S.O. 1970, c. 147, s. 41 (1), *amended.*

Neglect or refusal to produce

(2) No employer shall neglect or refuse to produce the books, papers, records or documents at the time and place stipulated in the letter or demand. *New*.

Proof of service or mailing

(3) A certificate of the Director certifying that the letter or demand was served upon or sent by registered letter to the employer to whom it was addressed, accompanied by a true copy of the letter or demand, is admissible as evidence of the service, mailing and receipt of the notice. R.S.O. 1970, c. 147, s. 41 (2), *amended*.

Posting of notices

56. The Director may require an employer to post and keep posted a notice relating to the administration or enforcement of this Act or the regulations in a conspicuous place where it is most likely to come to the attention of his employees, and the employer shall post and keep posted any such notice. R.S.O. 1970, c. 147, s. 37, *amended*.

PART XIV

OFFENCES AND PENALTIES

No discipline, dismissal, etc., by employer

57.—(1) No employer shall,

(*a*) dismiss or threaten to dismiss an employee;

(*b*) discipline or suspend an employee;

(*c*) impose any penalty upon an employee; or

(*d*) intimidate or coerce an employee,

because the employee,

(*e*) has sought the enforcement of this Act or the regulations;

(*f*) has given information to an employment standards officer;

(*g*) has participated in or is about to participate in a proceeding or hearing under this Act; or

(*h*) testifies or is required to testify in a proceeding or hearing under this Act. R.S.O. 1970, c. 147, s. 42 (1), *amended*.

Penalty for offence

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to the penalty, order what action the employer

shall take or what the employer shall refrain from doing and such order may include the reinstatement in employment of the employee with or without compensation or compensation in lieu of reinstatement for loss of wages and other benefits to be assessed against the employer. R.S.O. 1970, c. 147, s. 42 (2), *amended*.

Offence, penalty

(3) An employer who fails to comply with an order made under subsection 2 is guilty of an offence and on summary conviction is liable to a fine not exceeding $100 for each day during which the failure continues. R.S.O. 1970, c. 147, s. 42 (3), *amended*.

Offence to keep false records, etc.

58. No person shall make, keep or produce or participate in, assent to or acquiesce in the making, keeping or producing of a false or deceptive book of account, payroll, record or other document required to be made, kept or produced under this Act or the regulations. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*.

Offence

59.—(1) Every person who contravenes any provision of this Act or the regulations or a decision, requirement or order made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1970, c. 147, s. 43 (1), *part, amended*.

Order for payment

(2) Where an employer is convicted of an offence under subsection 1, the provincial judge making the conviction shall, in addition to any other penalty, assess the amount unpaid in respect of an employee or employees and shall order the employer to pay the amount so assessed to the Director who shall collect and distribute to the employee or employees the amount ordered to be paid. R.S.O. 1970, c. 147, s. 43 (3), *amended*.

Enforcement of order

(3) An order for payment under subsection 2 may be filed by the Director in a court of competent jurisdiction and thereupon the order shall be deemed to be an order of that court for the purposes of enforcement. R.S.O. 1970, c. 147, s. 43 (4), *amended*.

Officers, etc., liable

60.—(1) Where a corporation contravenes any provision of this Act or the regulations, an officer, director or agent of the corporation or a person purporting to act in any such capacity who authorizes, permits or acquiesces in the contravention is a party to and guilty of the offence and is liable on conviction to the penalty provided for the offence whether or not the corporation has been prosecuted or convicted.

Onus of proof

(2) In determining whether for the purposes of subsection 1 an officer, director or agent of the corporation or a person purporting to act in any such capacity authorized, permitted or acquiesced in the contravention of any provision of this Act or the regulations, it shall be for the officer, director or agent or person purporting to act in any such capacity to prove that he did not authorize, permit or acquiesce in the contravention.

Additional penalty

(3) Where an officer, director or agent of the corporation or a person purporting to act in any such capacity is convicted of an offence under subsection 1, the provincial judge making the conviction may, in addition to any other penalty, assess the amount unpaid by the corporation in respect of the employee and shall order the officer, director or agent to pay the amount so assessed to the Director who shall collect and distribute to the employee the amount ordered to be paid.

No prosecution without consent

(4) No prosecution under this section shall be instituted without the consent of the Director and the production of a consent purporting to be signed by the Director is admissible in evidence as *prima facie* proof of his consent. *New.*

Copies constitute evidence

61.—(1) In any proceeding or prosecution under this Act,

(*a*) a copy of an order purporting to have been made under this Act or the regulations and purporting to have been signed by an employment standards officer or a referee; or

(*b*) a document purporting to be a copy of a book, payroll, record or other document, or any extract therefrom, and purporting to be certified by an employment standards officer,

is evidence of the order or document, and the facts appearing in the order or document without proof of the signature or official character of the person appearing to have signed the order or the certificate and without further proof.

Certificate constitutes evidence

(2) In any proceeding or prosecution under this Act, a certificate purporting to be signed by the Director certifying that an employer has failed to make any payment under an order issued under this Act is evidence of the failure to pay without further proof. *New.*

Where information may be heard

62. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court

(Criminal Division) having jurisdiction in the county or district in which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district. *New.*

Limitation

63.—(1) No proceeding or prosecution under this Act shall be commenced more than two years after the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director. R.S.O. 1970, c. 147, s. 43 (5), *amended.*

Idem

(2) In a proceeding or prosecution under this Act, no employee shall be entitled to recover any moneys due to him more than two years before the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director.

Evidence

(3) A statement as to the time when the facts upon which the proceeding or prosecution is based first came to the knowledge of the Director purporting to be certified by the Director, is, without proof of the office or signature of the Director, evidence of the facts stated therein. *New.*

Director may exercise discretion

64. Notwithstanding anything contained in this Act, the Director may in his discretion refuse to institute any proceeding or prosecution for the failure of an employer to comply with this Act where a remedy therefor is available to an employee under the terms of a collective agreement. *New.*

PART XV

REGULATIONS

Regulations

65.—(1) The Lieutenant Governor in Council may make regulations for carrying out the purposes of this Act and, without restricting the generality of the foregoing, may make regulations,

(*a*) establishing minimum rates of wages for employees or classes of employees;

(*b*) designating or defining any industry, activity, business, work, trade, occupation or profession or class of employers or employees, for the purposes of this Act or any Part thereof, or the regulations or any provision thereof;

(*c*) designating or defining the zone or zones within Ontario in which this Act, a Part of this Act, or the regulations or any provision thereof, is applicable;

(*d*) exempting any industry, activity, business, work, trade, occupation, profession, or class of employers or employees from the application of this Act, a Part of this Act, or the regulations or any provision thereof;

(*e*) prescribing what constitutes the performance of work in respect of which wages shall be paid;

(*f*) prescribing the deductions that may be made from wages or any other payment or allowance to an employee;

(*g*) prescribing the maximum number of hours that may elapse between the commencement and the termination of the daily work period or periods of an employee;

(*h*) prescribing the particulars of employment that shall be given to an employee;

(*i*) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part or parts of Ontario;

(*j*) providing for and requiring the approval of the Director of any agreement or arrangement between an employer and an employee or his agent providing for the averaging of daily hours of work for a work week or daily or weekly hours of work over a longer period of time than a work week;

(*k*) providing for the averaging of wages over a longer period of time than a work week for the purpose of determining a regular rate under this Act;

(*l*) providing for the setting up of committees to advise the Minister on any matters arising in relation to the administration of this Act;

(*m*) prescribing the manner of giving notice of termination and the period and the form and content of such notice;

(*n*) prescribing what constitutes termination of employment;

(*o*) prescribing what constitutes "a definite term or task", "lay-off", "temporary lay-off", "indefinite lay-off", and a "period of employment";

(*p*) providing that any payments to an employee by way of pension, insurance, workman's compensation, bonus, severance, supplementary unemployment benefits, or similar arrangements shall or shall not be taken into account on termination of employment;

(*q*) notwithstanding Part VI, prescribing when overtime pay shall be paid to an employee or class of employees by an employer, a class of employers, or an industry, business or trade for any hours of work in excess of a specified number of hours of work in a work week or a longer period of time than a work week;

(*r*) prescribing the hours of work after which overtime is payable in a work week to an employee who does two or more kinds of work for which different hours of work in a work week upon which overtime is payable are prescribed under this Act;

(*s*) prescribing maximum allowances for living accommodation, fuel, heat, utility charges or room or board to be taken into account in calculating minimum wages;

(*t*) prescribing the minimum number of hours for which an employee is entitled to be paid wages and providing for conditions and exemptions in respect thereof;

(*u*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 147, s. 36 (1), *amended*.

Application

(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer, employee or establishment defined in the regulation. R.S.O. 1970, c. 147, s. 36 (2).

Averaging of hours of work

66.—(1) Every agreement or arrangement between an employee and his employer for the averaging of hours over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, shall, on and after the 1st day of January, 1975, be deemed to provide for overtime pay for any hours worked in the extended period in excess of forty-four hours multiplied by the number of weeks in the extended period.

1968, c. 35

Idem

(2) Notwithstanding subsection 1, any agreement or arrangement between an employee and his employer for the averaging of hours of work over an extended period for the purpose of determining overtime hours of work heretofore approved by the Director under *The Employment Standards Act, 1968* or *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is null and void three months after the date this Act comes into force.

Repeals

67. The following are repealed:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970.

2. *The Employment Standards Amendment Act, 1972*, being chapter 120.

3. *The Employment Standards Amendment Act, 1973*, being chapter 172.

4. Section 37 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commencement

68. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

69. This Act may be cited as *The Employment Standards Act, 1974*.

CHAPTER 113

The Motorized Snow Vehicles Act, 1974

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*; R.S.O. 1970, c. 186

(*b*) "driver's licence" means a valid and subsisting licence to drive a motor vehicle on a highway issued under the authority of *The Highway Traffic Act*; R.S.O. 1970, c. 202

(*c*) "highway" includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles;

(*d*) "Minister" means the Minister of Transportation and Communications;

(*e*) "Ministry" means the Ministry of Transportation and Communications;

(*f*) "motorized snow vehicle" means a self-propelled vehicle designed to be driven primarily on snow;

(*g*) "permit" means a permit issued under section 2;

(*h*) "public trail" means the whole of any motorized snow vehicle trail established and maintained in whole or in part by public funds;

(*i*) "registration number" means a number or combination of letters and numbers allocated to a motorized snow vehicle by the Ministry on the registration thereof;

(*j*) "regulations" means the regulations made under this Act;

(*k*) "serviced roadway" means the part of highway that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulder, and, where a highway includes two or more separate serviced roadways, the term "serviced roadway" refers to any one serviced roadway separately and not to all of the serviced roadways collectively;

(*l*) "validate" means render in force for the period of time prescribed by the regulations, and "validation" and "validated" have corresponding meanings. R.S.O. 1970, c. 283, s. 1, *amended*.

Permit required

2.—(1) The owner of a motorized snow vehicle shall not,

(*a*) drive the motorized snow vehicle; or

(*b*) cause or permit the motorized snow vehicle to be driven,

except under the authority of a permit for the motorized snow vehicle issued or validated under subsection 3 or except on lands occupied by the owner of the motorized snow vehicle. R.S.O. 1970, c. 283, s. 5 (1), *amended*.

Dealer shall register

(2) Every dealer in motorized snow vehicles who sells a new motorized snow vehicle shall register the motorized snow vehicle on behalf of the purchaser thereof with the Ministry within six days following the sale. *New*.

Issuance of permits

(3) Upon registration of a motorized snow vehicle by a dealer pursuant to subsection 2 or by the owner of the motorized snow vehicle and upon payment of the fee prescribed by the regulations, the Ministry or any person authorized by the Minister shall issue for the motorized snow vehicle a numbered permit in accordance with the regulations, bearing the registration number of the motorized snow vehicle and provide such evidence of the issue of the permit for display upon the motorized snow vehicle as may be prescribed by the regulations. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Issuance of validations of permits

(4) Upon the application of the owner of a motorized snow vehicle for which a permit has been issued and upon payment of the fee prescribed by the regulations, the Minister or any person authorized by the Minister shall validate the permit and provide such evidence of validation as may be prescribed by the regulations. *New*.

Records

(5) The Ministry shall maintain,

(*a*) a numerical index record of all permits issued and in force under this section; and

(*b*) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued. R.S.O. 1970, c. 283, s. 2 (2), *amended*.

Term of permit

(6) A permit that is issued or validated is in force during the period of time prescribed by the regulations. *New*.

Registration number to be displayed

(7) Every motorized snow vehicle, unless exempted under this Act or the regulations, shall have attached to or painted on both sides of the cowling in a clearly visible position a sign showing the registration number of the motorized snow vehicle in the form and manner prescribed in the regulations. *New*.

Display of evidence of permit

(8) Every driver of a motorized snow vehicle who fails to display on the motorized snow vehicle in the form and manner prescribed by the regulations evidence of the issue or validation of the permit, is guilty of an offence. *New*.

Exceptions as to manufacturers, dealers, non-residents

(9) This section does not apply,

(*a*) to manufacturers of motorized snow vehicles or to dealers in motorized snow vehicles in relation to motorized snow vehicles,

(i) that are kept for sale and are not driven or permitted to be driven upon a highway, or

(ii) that are not rented or leased or kept for renting or leasing to any person;

(*b*) to a motorized snow vehicle owned by a person who does not reside in Ontario if the vehicle is registered in some other jurisdiction and has attached to it the number plate furnished by the other jurisdiction. R.S.O. 1970, c. 283, s. 2 (4).

Local issuance of permits

(10) The Minister may give authority to any person to issue permits, to validate permits and to provide evidence of such issue or validation of permits for motorized snow vehicles and may define the duties and powers of such person and may authorize and fix the fee to be retained by the person so authorized for each permit issued or validated. R.S.O. 1970, c. 283, s. 2 (6), *amended*.

Regulations re permits and registration numbers

(11) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this section with respect to permits and registration numbers and in particular,

(*a*) prescribing forms for the purposes of this section and requiring their use;

(*b*) respecting the issuance, validation and replacement of permits;

(*c*) prescribing the period of time during which permits shall be in force that are issued or validated for motorized snow vehicles;

(*d*) prescribing fees for the issuance, validation and replacement of permits and of evidence of the issue or validation of permits;

(*e*) governing the method of validating permits and the form of and manner of affixing, displaying or showing evidence of the issue or validation of permits on motorized snow vehicles;

(*f*) respecting permits and registration numbers for and the operation of motorized snow vehicles owned by manufacturers or dealers and not kept by them for private use; and

(*g*) prescribing the form and manner of displaying registration numbers. *New.*

False statement

3.—(1) No person shall knowingly make a false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or the regulations. R.S.O. 1970, c. 283, s. 3 (1).

Change of address

(2) Where an owner of a motorized snow vehicle changes his address as stated in an application for a permit or for a validation of a permit or in a previous notice sent or filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address. R.S.O. 1970, c. 283, s. 3 (2), *amended.*

Change of ownership

(3) Every person who sells or purchases a motorized snow vehicle shall, within six days of the sale or purchase, forward to the Ministry on the prescribed form a notice of the sale or purchase. *New.*

Registration number to be kept clean, unobstructed

4. When a motorized snow vehicle is being driven, the registration number required to be displayed under subsection

7 of section 2 shall be kept free of dirt, snow and ice, in good repair and the view thereof shall not be obscured or obstructed by any part of the motorized snow vehicle or any equipment or attachment thereon or by the load carried thereon. R.S.O. 1970, c. 283, s. 4 (1), *amended*.

Driving on King's Highway or secondary highway

5.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle upon the serviced roadway of the King's Highway or of a secondary highway except to cross. *New*.

Regulations

(2) The Minister may make regulations designating any part or parts of the King's Highway or a secondary highway,

(*a*) across the serviced roadway of which no motorized snow vehicle may be driven;

(*b*) upon which motorized snow vehicles may be driven; or

(*c*) upon which motorized snow vehicles may not be driven. R.S.O. 1970, c. 283, s. 5 (2), *amended*.

Interpretation

6.—(1) In this section "local municipality" means a city, town, village or township. *New*.

Local municipality may pass by-laws

(2) The council of a local municipality may pass by-laws regulating, governing or prohibiting the operation of motorized snow vehicles within the municipality including any highways therein or any part or parts thereof. R.S.O. 1970, c. 283, s. 6 (1).

Application of subs. 2

(3) Where a by-law is passed under subsection 2, the provisions regulating or governing the operation of motorized snow vehicles under the by-law do not apply to highways or any part or parts thereof that are not under the jurisdiction of the local municipality. R.S.O. 1970, c. 283, s. 6 (2).

County or municipalities may pass by-laws

(4) The council of a county or of a district, metropolitan or regional municipality may pass by-laws regulating and governing the operation of motorized snow vehicles along or across any highway or part of a highway under its jurisdiction. R.S.O. 1970, c. 283, s. 6 (3).

County or municipalities may pass prohibiting by-laws

(5) Where the operation of motorized snow vehicles is not prohibited on a highway under the jurisdiction of a county or of a district, metropolitan or regional municipality by a by-law passed under subsection 2, the council of the municipality may pass by-laws prohibiting the operation of motorized snow vehicles along or across the highway or any part thereof. *New*.

Territory without municipal organization

(6) The Lieutenant Governor in Council may make regulations regulating, governing or prohibiting the operation of motorized snow vehicles upon serviced roadways in territories without municipal organization.

Application of R.S.O. 1970, c. 284

(7) Part XXI of *The Municipal Act* applies to by-laws passed under this section. R.S.O. 1970, c. 283, s. 6 (5).

Crossing roadway

7. No person shall drive a motorized snow vehicle across a serviced roadway except at an angle of approximately 90 degrees to the direction of the serviced roadway. *New.*

Driving along highway

8.—(1) Subject to subsection 2, no person shall drive a motorized snow vehicle along a highway unless,

(*a*) he has attained the full age of sixteen years; and

(*b*) he holds a driver's licence; or

(*c*) he holds a motorized snow vehicle operator's licence; or

(*d*) he is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. R.S.O. 1970, c. 283, s. 7 (1), *amended.*

Driving across highway

(2) No person shall drive a motorized snow vehicle across a highway unless,

(*a*) he has attained the full age of fourteen years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle.

Driving on public trails

(3) No person shall drive a motorized snow vehicle upon a public trail unless,

(*a*) he has attained the full age of twelve years; and

(*b*) he holds a driver's licence, a motorized snow vehicle operator's licence or is a resident of any other province, country or state and holds a licence issued by such province, country or state which authorizes him to drive a motorized snow vehicle. *New.*

Minister may issue licence

9.—(1) The Minister may issue a motorized snow vehicle operator's licence to any person who has attained the full age of twelve years and who meets the requirements of this Act and the regulations authorizing the person to drive a motorized snow vehicle, subject to any conditions and for the period of time prescribed by the regulations.

Examinations

(2) An applicant for a motorized snow vehicle operator's licence shall submit to such examinations as are prescribed by the regulations. *New.*

Application of R.S.O. 1970, cc. 202, 281

10. The provisions of *The Highway Traffic Act*, except Part XI, and of *The Motor Vehicle Accident Claims Act* do not apply to a motorized snow vehicle or to the driving thereof. R.S.O. 1970, c. 283, s. 8.

Insurance

R.S.O. 1970, c. 224

11.—(1) No person shall drive a motorized snow vehicle upon a highway or public trail unless he is insured under a motor vehicle liability policy in accordance with *The Insurance Act*, and the owner of a motorized snow vehicle shall not permit any person to drive the vehicle upon a highway or public trail unless the driver is so insured.

Production of evidence of insurance

(2) The driver of a motorized snow vehicle who drives or permits the driving of the motorized snow vehicle on a highway or public trail shall, upon the request of a police officer, constable or conservation officer, produce evidence that the driver thereof is insured under a motor vehicle liability policy in accordance with *The Insurance Act*.

Offence for failure to produce evidence

(3) Every driver of a motorized snow vehicle who fails to produce evidence under subsection 2 when requested to do so or within a reasonable time of such request is guilty of an offence and on summary conviction is liable to a fine of not more than $500.

Offence for producing false evidence

(4) Every driver of a motorized snow vehicle who produces false evidence when he is required to produce evidence under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than $500. R.S.O. 1970, c. 283, s. 9 (1-4), *amended*.

Reporting of collision

12.—(1) Every person in charge of a motorized snow vehicle who is directly or indirectly involved in a collision shall, if the collision results in injury to any person or in damage to property apparently exceeding $100, report the collision forthwith to the nearest provincial or municipal police officer and furnish him with information in respect of,

(*a*) the names and addresses of the persons involved;

(*b*) the date and location of the occurrence; and

(*c*) the circumstances under which the collision occurred. R.S.O. 1970, c. 283, s. 10 (1), *amended*.

Disposition of report

(2) A police officer receiving a report of a collision under subsection 1 shall forward the report to the Registrar of Motor Vehicles within ten days of receiving it. R.S.O. 1970, c. 283, s. 10 (2).

Speed limit

13.—(1) No person shall drive a motorized snow vehicle at a greater rate of speed than,

(*a*) 15 miles per hour,

(i) on a highway where the speed limit established pursuant to *The Highway Traffic Act* is 30 miles per hour or less, or

R.S.O. 1970, c. 202

(ii) in any public park or exhibition grounds; or

(*b*) 30 miles per hour,

(i) on any highway which is open to motor vehicle traffic, where the speed limit established pursuant to *The Highway Traffic Act* is greater than 30 miles per hour, or

(ii) on a public trail.

Municipality may prescribe different rate of speed

(2) The council of a municipality may by by-law prescribe,

(*a*) a lower rate of speed for motorized snow vehicles upon any highway or part thereof under its jurisdiction; and

(*b*) a higher or lower rate of speed for motorized snow vehicles upon a public trail, public park or exhibition ground under its jurisdiction,

than is prescribed in subsection 1.

Lieutenant Governor in Council may prescribe different rate of speed

(3) The Lieutenant Governor in Council may by regulation prescribe a higher or lower rate of speed upon any public trail or any part thereof, public park or exhibition ground not under the jurisdiction of a municipality, than is prescribed in subsection 1.

By-law effective

(4) No by-law passed under subsection 2 or regulation made pursuant to subsection 3 becomes effective until signs are erected in accordance with the regulations. *New*.

Driver to carry licence

14.—(1) Subject to subsection 2, every driver of a motorized snow vehicle shall carry his driver's licence or motorized snow vehicle operator's licence with him at all times while he is operating a motorized snow vehicle and shall produce it when demanded by a police officer, constable or conservation officer.

Exception

(2) A person shall not be required to carry his driver's licence or motorized snow vehicle operator's licence with him while operating a motorized snow vehicle on lands occupied by him.

Driver to identify self

(3) Every person who is unable or refuses to produce his licence in accordance with subsection 1, when requested by a police officer, constable or conservation officer, shall identify himself by giving his correct name and address to the police officer, constable or conservation officer.

Stopping on request

(4) Upon the request of the owner or occupier of land upon which a person is operating a motorized snow vehicle, the person operating the motorized snow vehicle shall stop and identify himself by giving his correct name and address.

Constable may arrest without warrant

(5) Every police officer, constable or conservation officer, who, on reasonable and probable grounds, believes that a contravention of subsection 3 or 4 has been committed, may arrest without warrant any person whom the police officer, constable or conservation officer, on reasonable and probable grounds, believes has committed the contravention. *New.*

Muffler in working order

15.—(1) No person shall drive a motorized snow vehicle unless it is equipped with a muffler in good working order and in constant operation and no person shall drive a motorized snow vehicle which has a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon the motorized snow vehicle.

Removing or modifying any component R.S.C. 1970, c. 26, (1st Supp.)

(2) No person shall drive or permit to be driven any motorized snow vehicle upon which any component or device, which was required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the motorized snow vehicle was manufactured or imported into Canada, has been removed, modified or rendered inoperative.

Exception in racing area

(3) Subsections 1 and 2 do not apply to a motorized snow vehicle while it is driven in a racing area sanctioned as such by the council of the local municipality within which the racing area is located. *New.*

Towing by means of a rigid tow bar

16.—(1) No person shall drive a motorized snow vehicle which is towing a cutter, toboggan, sled or similar conveyance except by means of a rigid tow bar.

Towing on serviced roadway prohibited

(2) No person shall drive a motorized snow vehicle which is towing a person or conveyance on a serviced roadway except to cross the serviced roadway at an angle of approximately 90 degrees to the direction of the serviced roadway.

Exception for unditching, etc.

(3) This section does not apply to a person while he is driving a motorized snow vehicle for the sole purpose of unditching a stuck vehicle or conveyance or under an emergency rescue situation or while he is operating trail maintenance equipment. *New.*

Driver shall wear helmet

17. No person shall drive a motorized snow vehicle or ride on a motorized snow vehicle or on a cutter, toboggan, sled or similar conveyance towed by a motorized snow vehicle on a serviced roadway or public trail unless he is wearing a helmet that complies with the regulations. *New.*

Vehicle shall bear National Safety Mark

18.—(1) No person who deals in motorized snow vehicles or cutters designed to be drawn by motorized snow vehicles shall sell or offer to sell a new motorized snow vehicle or cutter manufactured after the date this section comes into force that does not conform to the standards required under the *Motor Vehicles Safety Act* (Canada), or that does not bear the National Safety Mark referred to therein.

R.S.C. 1970, c. 26 (1st Supp.)

Penalty

(2) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $500. *New.*

Occupier's duty of care

19. An occupier of land owes no duty of care toward a person who is driving or riding on a motorized snow vehicle or being towed by a motorized snow vehicle upon the land and who is a trespasser or licensee except the duty to not create a danger with the deliberate intent of doing harm or damage to the trespasser or licensee or do a wilful act with reckless disregard of the presence of the trespasser or licensee. *New.*

Liability of owner

20.—(1) Where the driver of a motorized snow vehicle who is not the owner thereof is liable for damages respecting damage or injury arising out of the operation by him of the motorized snow vehicle with the consent of the owner, the owner is jointly and severally liable.

(2) Where a motorized snow vehicle is leased, the consent of the lessee of the motorized snow vehicle to the operation or possession thereof by some person other than the lessee shall, for the purposes of subsection 1, be deemed to be the consent of the owner of the motorized snow vehicle. *New.* Idem

21. The owner of a motorized snow vehicle shall incur the penalties provided for any contravention of this Act or the regulations or of any municipal by-law regulating, governing or prohibiting the operation of motorized snow vehicles, unless at the time of the contravention the motorized snow vehicle was in the possession of some person other than the owner without the owner's consent, and the driver or operator of the motorized snow vehicle, not being the owner, shall also incur the penalties provided for any such contravention. *New.* Owner and driver liable for penalties

22.—(1) Every person who knowingly or unknowingly trespasses on land while operating a motorized snow vehicle is guilty of an offence and on summary conviction is liable to a fine not exceeding $500. Penalty for trespass

(2) Subject to subsection 3, liability under subsection 1 is not affected by reason only that the accused was given permission to be on the land, unless the permission is in writing signed by the owner or occupier of the land. Defence

(3) Subsection 2 does not apply where the land is unpatented Crown land. Application of subs. 2

(4) For the purpose of subsection 2, written permission given to a club or association shall be deemed to have been given to each member thereof. Clubs and associations

(5) For the purpose of subsection 2, written permission for the public in general given to a club or association that is in receipt of public money shall be deemed to have been given to the public in general. Public in general

(6) No action or prosecution for a contravention of subsection 1 shall be commenced except at the request of the owner or occupier of the land or his authorized agent. *New.* Prosecution on request only

23. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction where a fine for the contravention is not otherwise provided for herein is liable to a fine not exceeding $300. R.S.O. 1970, c. 283, s. 13, *amended.* Offences and fines

Regulations

24.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) prescribing rules for driving motorized snow vehicles upon a highway or any place other than a highway and requiring compliance therewith by every person driving a motorized snow vehicle;

(*b*) requiring, prohibiting or regulating the use of any equipment, ornament, device, accessory, material or component in or on any motorized snow vehicle or used in connection therewith and prescribing the specifications therefor;

(*c*) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or the regulations, or any statement containing information from the records of the Ministry, and prescribing the amount of such fees;

(*d*) prescribing the term of validity of motorized snow vehicle operators' licences;

(*e*) prescribing conditions that shall apply to motorized snow vehicle operators' licences;

(*f*) prescribing the standards and specifications of helmets referred to in section 17 and providing for and requiring the identification and marking of such helmets;

(*g*) providing for the erection of signs on any highway or public trail and prescribing the types of signs and the location of each type of sign;

(*h*) designating classes of motorized snow vehicles which are exempt from the provisions of sections 2 and 8;

(*i*) designating areas within Ontario to which any provisions of this Act or the regulations do not apply;

(*j*) designating classes of persons to whom any provisions of this Act and the regulations do not apply;

(*k*) respecting tests to determine the knowledge and competence of applicants for motorized snow vehicle operators' licences; and

(*l*) prescribing standards required to obtain and maintain a motorized snow vehicle operator's licence. R.S.O. 1970, c. 283, s. 12, *amended*.

Regulation may adopt by reference

(2) Any regulation made under clause *b* or *f* of subsection 1 may adopt by reference in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is adopted. *New*.

Driver shall obey signs

(3) Every driver of a motorized snow vehicle shall obey the instructions and directions indicated on any sign erected pursuant to regulations made under clause *g* of subsection 1. *New*.

Repeal

25. *The Motorized Snow Vehicles Act*, being chapter 283 of the Revised Statutes of Ontario, 1970, is repealed.

Commencement

26.—(1) This Act, except subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 7 of section 2, clause *c* of subsection 1 and subsections 2 and 3 of section 8 and section 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

27. This Act may be cited as *The Motorized Snow Vehicles Act, 1974*.

CHAPTER 114

An Act to amend The Municipality of Metropolitan Toronto Act

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 2, is amended by adding thereto the following subsection: s. 12, amended

(1*a*) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which controller or controllers is or are entitled to be a member or members of the Executive Committee, the matter shall be determined by resolution of the council of the area municipality. Acclamation or equality of votes

2. Subsection 2 of section 65 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 89, section 1, is further amended by striking out "of waste" in the ninth line and inserting in lieu thereof "volumes or weights of waste or may vary having regard to such other criteria in respect of waste as the Metropolitan Council considers appropriate". s. 65 (2), amended

3. The said Act is amended by adding thereto the following section: s. 133*a*, enacted

133*a*.—(1) All real property in that portion of the Township of Pickering annexed to The Corporation of the Borough of Scarborough under subsection 1*a* of section 148 vested in The Ontario County Board of Education on the 31st day of December, 1973, is vested in The Board of Education for the Borough of Scarborough. Property vested in Scarborough Board of Education

(2) No compensation shall be payable by The Board of Education for the Borough of Scarborough, but on or after Liability of Metropolitan Corporation

the 1st day of January, 1974, the Metropolitan Corporation shall pay to The Corporation of the Town of Pickering before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued in respect of any property vested in The Board of Education for the Borough of Scarborough under subsection 1, and The Corporation of the Town of Pickering shall reimburse the Borough of Scarborough for the amount of any payments made by the Borough of Scarborough to The Corporation of the Town of Pickering in respect of such debentures.

Liability for debenture payments made by Metropolitan Corporation

(3) All amounts of principal and interest becoming due in respect of the debentures referred to in subsection 2 shall be included in the estimates of the School Board under subclause iv of clause *g* of subsection 1 of section 127 and shall be repaid by levies against all the area municipalities.

s. 146 (9) (*b*), amended

4. Clause *b* of subsection 9 of section 146 of the said Act is amended by adding at the end thereof "and may, with the approval of the Metropolitan Council, acquire or erect on its land, buildings larger than are required for library or branch library purposes, and may lease any parts of the buildings not so required, and shall be deemed to have always had such powers".

s. 183, amended

5. Section 183 of the said Act is amended by adding thereto the following subsection:

Pension benefits for widows

(15*a*) Notwithstanding this or any other Act, the Metropolitan Council may by by-law provide pension benefits for widows of members of the Metropolitan Police Force whose services were terminated by death or retirement prior to the 1st day of January, 1963.

s. 241 (1), amended

6. Subsection 1 of section 241 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 7, is further amended by inserting after "249" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 244, amended

7. Section 244 of the said Act is amended by striking out "and for which grant or grants there is no express authority provided by any other Act" in the fifth, sixth and seventh lines.

Commencement

8.—(1) This Act, except sections 1 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1974.

(3) Section 1 comes into force on the 1st day of January, 1975. Idem

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1974 (No. 2)*. Short title

CHAPTER 115

An Act to regulate the Business of selling and dealing in Travel Services

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970, c. 113

(*b*) "Minister" means the Minister of Consumer and Commercial Relations;

(*c*) "Registrar" means the Registrar appointed under section 2;

(*d*) "regulations" means the regulations made under this Act;

(*e*) "travel agent" means a person who carries on the business of selling to the public travel services provided by another person;

(*f*) "travel salesman" means a person who deals with the public in the performance of the functions of the travel agent as set out in clause *e*;

(*g*) "travel service" means transportation, sleeping accommodation or other service for the use of a traveller, tourist or sightseer;

(*h*) "travel wholesaler" means a person who purchases or acquires from another person rights to a travel service for the purposes of resale or who carries on the business of dealing with travel agents or other travel wholesalers for the sale of travel services provided by another;

R.S.O. 1970, c. 113

(*i*) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act.*

Registrar

2.—(1) The Lieutenant Governor in Council shall appoint a Registrar for the purposes of this Act.

Duties

(2) The Registrar may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act under the supervision of the Director.

Acting as travel agents and travel wholesalers

3.—(1) No person shall act or hold himself out as being available to act as a travel agent or travel wholesaler unless he is registered by the Registrar under this Act.

Offices of travel agents

(2) A travel agent shall not conduct business from a place at which the public is invited to deal unless it is named in the registration and where there are more than one such places, one shall be designated in the registration as the main office and the remainder as branch offices.

Acting as travel salesmen

(3) No person shall act as a travel salesman unless he is registered by the Registrar under this Act.

Registration of agencies

4.—(1) An applicant is entitled to registration or renewal of registration as a travel agent or travel wholesaler by the Registrar except where,

(*a*) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business; or

(*b*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty; or

(*c*) the applicant is a corporation and,

(i) is incorporated without share capital; or

(ii) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or

(iii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or

(*d*) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

Registration of offices of travel agents

(2) A travel agent or applicant for registration as a travel agent is entitled to have any place of business he specifies named in the registration except such branch offices as are in contravention of the regulations.

Registration of travel salesmen

(3) An applicant is entitled to registration or renewal of registration as a travel salesman by the Registrar except where,

(*a*) he is a corporation; or

(*b*) he is not in the employ of a travel agent; or

(*c*) the past conduct of the applicant affords reasonable grounds for belief that he will not carry out his duties in accordance with law and with integrity and honesty.

Integrity

(4) Without restricting the generality of clause *b* of subsection 1, subclause iii of clause *c* of subsection 1 and subsection 3, a conviction within the previous five years for theft in any of its forms or for an offence under paragraph *f*, *g*, *h*, *i* or *j* of section 46 of the *Immigration Act* (Canada) is sufficient grounds for the purpose of those provisions.

R.S.C. 1970, c. I-2

Conditions of registration

(5) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant, imposed by the Tribunal or prescribed by the regulations.

Refusal to register

5.—(1) Subject to section 6, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 4.

Revocation and refusal to renew

(2) Subject to section 6, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 4 if he were an applicant, or where the registrant is in breach of a term or condition of the registration.

Notice of proposal to refuse or revoke

6.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration or to refuse to name a branch office in a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of Registrar where no hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

Conditions of order

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Voluntary cancellation

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration.

Interim suspension

7. Where the Registrar proposes to suspend or revoke a registration, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the registration and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Order effective, stay R.S.O. 1970, c. 113

8. Notwithstanding that a registrant appeals from an order of the Tribunal under section 9*b* of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal.

Continuance pending renewal

9. Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

Registration not transferable

10. A registration is not transferable.

"Equity share" defined

11.—(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

Notice of transfer of shares

(2) Every registrant that is a corporation shall notify the Registrar in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock where such issue or transfer results in,

(*a*) any shareholder and shareholders associated with him acquiring or accumulating at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or

(*b*) any shareholder and shareholders associated with him who already own 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

Idem

(3) In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more that one vote shall be calculated as the number of shares equalling the total number of votes it carries.

Idem

(4) Where a registrant that is a corporation is aware that a transfer that comes within the provisions of subsection 2 has taken place, it shall notify the Registrar in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer.

Associated shareholder

(5) For the purposes of subsection 2, a shareholder shall be deemed to be associated with another shareholder if,

(*a*) one shareholder is a company of which the other shareholder is an officer or director;

(*b*) one shareholder is a partnership of which the other shareholder is a partner;

(*c*) one shareholder is a company that is controlled directly or indirectly by the other shareholder;

(*d*) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;

(*e*) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

(*f*) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

Application of s. 10

(6) Where, in the opinion of the Registrar, an issue or transfer of equity shares of capital stock of a registered corporation results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue or transfer shall be deemed to be a change of ownership for the purposes of section 10 and the registration ceases to exist except with the consent of the Registrar and the provisions of this Act applying to the refusal to renew a registration apply, *mutatis mutandis*, to the refusal to give a consent under this subsection.

Notice of material changes

12.—(1) Every travel agent and travel wholesaler shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in its address for service;

(*b*) any change in the officers in the case of a corporation or of the members in the case of a partnership; and

(*c*) any commencement or termination of employment of a travel salesman.

Idem

(2) Every travel salesman shall, within five days after the event, notify the Registrar in writing of,

(*a*) any change in his address for service;

(*b*) any commencement or termination of his employment.

Liability for deposits

13. Where any person is entitled to the repayment of any money paid for or on account of a travel service,

any travel agent and any travel wholesaler who received such money or any part thereof is liable jointly and severally with any other person liable therefor, for the repayment of such money to the extent of the amount received by him.

Travel salesman to work for one employer

14.—(1) No travel salesman shall be in the employ of, or act on behalf of, a travel agent other than the one for whom he is registered as a salesman on the records of the Registrar and no travel salesman is entitled to or shall accept any commission or other remuneration from any person except the travel agent for whom he is registered.

Employment of unregistered person or travel salesman of other travel agent

(2) No travel agent shall,

(*a*) employ or engage the travel salesman of another travel agent or permit such salesman to act on his behalf;

(*b*) employ or engage an unregistered person to act as a travel salesman or permit such person to act on his behalf; or

(*c*) pay any commission or other remuneration to any person referred to in clause *a* or *b*,

but this subsection does not prevent the employing, engaging or paying of a person who is duly registered or licensed as a travel salesman or its equivalent in another jurisdiction in respect of the arranging for travel services in that jurisdiction.

False advertising

15. Where the Registrar believes on reasonable and probable grounds that a travel agent or travel wholesaler is making false, misleading or deceptive statements in any advertisement, or that the advertisement is in contravention of the regulations, the Registrar may order the immediate cessation of the use of such advertising and sections 6 to 8 apply *mutatis mutandis* to the order in the same manner as to a proposal by the Registrar to refuse a registration and the order of the Registrar shall take effect immediately, but the Tribunal may grant a stay until the Registrar's order becomes final.

Financial statements

16.—(1) Every travel agent and travel wholesaler shall, when required by the Registrar with the approval of the Director, file a financial statement showing the matter specified by the Registrar and signed by the travel agent and travel wholesaler and certified by a person licensed under *The Public Accountancy Act*.

R.S.O. 1970, c. 373

Statement confidential

(2) The information contained in a financial statement filed under subsection 1 is confidential and no person shall otherwise than in the ordinary course of his duties communicate any such information or allow access to or inspection of the financial statement.

Inspection

17.—(1) The Registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of a travel agent or travel wholesaler to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Idem

(2) Where the Registrar has reasonable and probable grounds to believe that any person is acting as a travel agent or travel wholesaler without being registered, the Registrar or any person designated by him in writing may at any reasonable time enter upon such person's business premises to make an inspection for the purpose of determining whether or not the person is in contravention of section 3.

Powers on inspection

(3) Upon an inspection under this section, the person inspecting,

(*a*) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and

(*b*) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected,

and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility of copies

(4) Any copy made as provided in subsection 3 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Investigation of complaints

18.—(1) Where the Registrar receives a written complaint in respect of a travel agent or travel wholesaler and so directs in writing, the travel agent or travel wholesaler

shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Idem (2) The direction under subsection 1 shall indicate the nature of the complaint involved.

Idem (3) For the purposes of subsection 1, the Registrar or any person designated in writing by him may on notice at any reasonable time enter upon the business premises of the travel agent or travel wholesaler to make an inspection in relation to the complaint.

Investigation on order of Minister **19.** The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister, and for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Investigation by Director **20.**—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person has,

(*a*) contravened any of the provisions of this Act or the regulations; or

(*b*) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for registration under this Act,

R.S.C. 1970, c. C-34

the Director may by order appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of investigator (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(*a*) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents, consumer files and things relevant to the subject-matter of the investigation; and

(*b*) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Entry and search

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Certified copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the

investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of expert

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Matters confidential

21.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 17, 18, 19 or 20 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;

(*b*) to his counsel; or

(*c*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Service

22.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Restraining order

23.—(1) Where it appears to the Director that any person does not comply with any provision of this Act, the regulations or an order made under this Act, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may

have, the Director may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Offences

24.—(1) Every person who,

(*a*) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein.

Limitation

(3) No proceeding under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Director.

Idem

(4) No proceeding under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence

25.—(1) A statement as to,

(*a*) the registration or non-registration of any person;

(*b*) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(*c*) the time when the facts upon which proceedings are based first came to the knowledge of the Director; or

(*d*) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of Minister's signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister.

Regulations

26. The Lieutenant Governor in Council may make regulations,

(*a*) exempting any class of persons from this Act or the regulations or any provision thereof;

(*b*) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;

(*c*) providing for the expiration and renewal of registrations;

(*d*) requiring the payment of fees on application for registration or renewal of registration, or any class thereof, and prescribing the amounts thereof;

(*e*) requiring travel agents and travel wholesalers or any class thereof to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;

(*f*) requiring and governing the maintenance of trust accounts by travel agents and travel wholesalers or any class thereof, and prescribing the moneys that shall be held in trust and the terms and conditions therefor;

(*g*) governing the form and content of advertising by travel agents and travel wholesalers;

(*h*) regulating the management and operation of branch offices of travel agents;

(*i*) governing contracts for the purchase or acquisition of travel services by travel wholesalers;

(*j*) requiring and governing the establishment and maintenance of compensation funds in trust by travel agents and travel wholesalers and the form and terms of the trust;

(*k*) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by travel agents and travel wholesalers;

(*l*) prescribing further procedures respecting the conduct of matters coming before the Tribunal;

(*m*) prescribing forms for the purposes of this Act and providing for their use;

(*n*) requiring any information required to be furnished or contained in any form or return to be verified by affidavit.

Moneys

27. The moneys required for the administration of this Act shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

Commencement

28.—(1) This Act, except section 3 and sections 13 to 26, comes into force on the day it receives Royal Assent.

Idem

(2) Section 3 and sections 13 to 26 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. This Act may be cited as *The Travel Industry Act, 1974*.

CHAPTER 116

An Act to amend The Legislative Assembly Act

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 29, 30, 31, 32 and 33 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: ss. 29-33, re-enacted

29.—(1) The Assembly at its first meeting after a general election shall proceed to elect one of its members to be Speaker and one of its members to be Deputy Speaker. Election of Speaker and Deputy

(2) In case of a vacancy in the office of Speaker or Deputy Speaker, the Assembly shall proceed to elect another of its members to fill the vacancy. Vacancy in office of Speaker or Deputy

30.—(1) The Speaker shall preside at all meetings of the Assembly and shall preside over and have charge of the Office of the Assembly. Duties

(2) In the absence of the Speaker, the Deputy Speaker has all the powers, privileges and duties of the Speaker. Absence of Speaker

31. When the Speaker or the Deputy Speaker finds it necessary to leave the chair during any part of the sittings on any day, he may call upon any member to take the chair and to act as speaker during the remainder of the day unless the Speaker or the Deputy Speaker resumes the chair before the close of the sittings for that day. Illness, etc., of the Speaker or Deputy

32. When the Speaker and the Deputy Speaker are not present at the meeting of the Assembly on any day, the Assembly may elect a member to take the chair and act as speaker for that day. Election of speaker for the day

33. If the Speaker and the Deputy Speaker are absent from the chair for a period of forty-eight consecutive hours, the Assembly may elect another of its members to Election of speaker *pro tempore*

act as speaker, and the member so elected, during the continuance of the absence of the Speaker and the Deputy Speaker, has all the powers, privileges and duties of the Speaker.

Speaker and Deputy to continue in office following dissolution

33*a*. The persons who hold the office of Speaker and Deputy Speaker at the time of any dissolution of the Legislature shall be deemed to be the Speaker and Deputy Speaker, respectively, until a Speaker and Deputy Speaker are elected by the Assembly.

ss. 68-70, enacted

2. The said Act is amended by adding thereto the following sections:

House Leader's indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

(*a*) to the Opposition House Leader at the rate of $5,000 per annum; and

(*b*) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of $2,500 per annum.

Appropriations for caucuses

69. For each fiscal year commencing with the fiscal year 1974-75, there shall be provided,

(*a*) for the use of the caucus of the Official Opposition, for research purposes, such sum of money as is appropriated therefor by the Legislature;

(*b*) for the use of a caucus of a party, other than the caucus of the Government and the caucus of the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sum of money as is appropriated therefor by the Legislature;

(*c*) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for such use as the caucus may determine, such sum of money as is appropriated therefor by the Legislature for each caucus based on the number of members in the caucus;

(*d*) for the use of the caucus of the Official Opposition for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of the Official Opposition, an amount appropriated therefor by the Legislature; and

(*e*) for the use of the caucus of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, for the purpose of defraying the cost of salaries and expenses of the personal staff of the Leader of such party, an amount appropriated therefor by the Legislature.

Secretary or assistant for each member

70.—(1) Every member of the Assembly is entitled to a private secretary or personal assistant and moneys shall be provided towards the cost of the salaries of such persons out of moneys appropriated therefor by the Legislature.

Supplies for members

(2) Every member of the Assembly is entitled to office equipment, supplies and services in accordance with standards established by the Speaker.

ss. 71-98, enacted

3. The said Act is further amended by adding thereto the following sections:

OFFICE OF THE ASSEMBLY

Office of Assembly

71. The Office of the Assembly shall consist of the Speaker, the Deputy Speaker, the Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms, the Director of Administration and such other employees as may be required from time to time for the proper conduct of the business of the Office of the Assembly.

Clerk of Legislative Assembly, appointment

72.—(1) The Lieutenant Governor in Council shall appoint the Clerk of the Legislative Assembly.

Tenure of office

(2) The Clerk of the Legislative Assembly shall hold office during good behaviour but shall be removable from office for cause by the Lieutenant Governor on address of the Assembly.

Appointment of officers and staff

(3) The First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration shall be appointed by the Lieutenant Governor in Council upon such terms and conditions as the Speaker may recommend and the other employees of the Office of the Assembly shall be appointed by the Speaker.

Duties of officers

73. The Clerk of the Legislative Assembly, the First Clerk Assistant, the Sergeant-at-Arms and the Director of Administration have such duties as may be provided for, from time to time, in the Standing Orders of the Legislative Assembly or as may be prescribed by the Speaker.

Estimates, submission to Board,

74.—(1) The Speaker shall present the estimates of the sums of money that will be required to be provided by the Legislature for the purposes of this Act to the Board of Internal Economy who shall review such estimates and make such alterations as it considers proper, and shall thereafter concur in such estimates.

laid before Assembly

(2) The Speaker shall cause the estimates to be laid before the Assembly.

Legislative Assembly Fund

75.—(1) The Speaker shall establish, maintain and be accountable for a fund to be known as the Legislative Assembly Fund.

Bank account

(2) The Speaker shall maintain an account with the Province of Ontario Savings Office or with any chartered bank designated by the Board of Internal Economy for the deposit of moneys paid into the Legislative Assembly Fund.

Fiscal year

(3) The fiscal year for the Legislative Assembly Fund shall be the same as the fiscal year for the Consolidated Revenue Fund.

Record

(4) The Speaker shall keep a record of all moneys received for or disbursed from the Legislative Assembly Fund.

Annual report

(5) The Speaker shall make an annual report to the Board of Internal Economy respecting the receipts and disbursements from the Legislative Assembly Fund.

Moneys paid into Fund

76. The moneys required from time to time for the purposes of this Act shall be paid out of moneys appropriated by the Assembly for the purposes of this Act and shall be paid into the Legislative Assembly Fund by the Treasurer of Ontario upon the requisition, from time to time, of the Speaker.

Where moneys required before appropriated

77.—(1) When, because the Legislature is adjourned, prorogued or dissolved or because the urgency of other public business prevents the Legislature from considering estimates or supplementary estimates, moneys are urgently required for the purposes of this Act before they have been appropriated, the Treasurer of Ontario may, subject

to the approval of the Lieutenant Governor in Council, advance the required moneys for the use of the Speaker upon the written request of the Board of Internal Economy, and such moneys shall be paid into the Legislative Assembly Fund.

Advances repayable out of moneys to be appropriated

(2) All moneys advanced by the Treasurer of Ontario under subsection 1 shall be deemed to be an interest free loan repayable from moneys to be appropriated by the Legislature for the purposes of this Act.

Form of payments out of Fund

78.—(1) Every payment out of the Legislative Assembly Fund shall be made by cheque, which shall be signed by the Speaker or the Deputy Speaker and by the Director of Administration or such other person who is for the time being authorized by the Speaker to sign cheques.

Signature

(2) The Speaker may authorize the use of facsimile signatures on cheques to be affixed thereto by printing, lithographing, engraving or by other mechanical means.

Destruction of cancelled cheques

(3) The Speaker, with the approval of the Provincial Auditor, may authorize the destruction, from time to time, of paid and cancelled cheques.

Payment of debts incurred in fiscal year

79.—(1) During the period of thirty days next following the end of a fiscal year there may be paid out of the Legislative Assembly Fund an amount, not exceeding the unexpended balance in the Fund at the end of such fiscal year, for the purpose of discharging any debt or obligation that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts or obligations that remain undischarged at the end of such period of thirty days shall be paid out of the Legislative Assembly Fund for the ensuing fiscal year.

Unexpended moneys to be paid to Treasurer

(2) All moneys that remain unexpended in the Legislative Assembly Fund after the thirty day period next following the end of a fiscal year shall be paid to the Treasurer of Ontario and become part of the Consolidated Revenue Fund.

Accountable advances

80.—(1) Any member of the Assembly or the Chairman or Secretary of a committee of the Assembly may apply to the Speaker and the Speaker may authorize an accountable advance out of the Legislative Assembly Fund for the purpose of meeting disbursements for travel or other contingencies, or making payments on account of expenses incurred or to be incurred.

Idem

(2) If, at the termination of the fiscal year in which an advance was made, no accounting or repayment of the advance has been received, such advance shall be accounted for or repaid within fifteen days thereafter.

Audit

81. The accounts and financial transactions of the Office of the Assembly shall be audited annually by the Provincial Auditor.

Board of Internal Economy, composition

82.—(1) There shall be a Board of Internal Economy composed of,

(*a*) the Speaker, who shall be the chairman;

(*b*) three commissioners appointed by the Lieutenant Governor in Council from among the members of the Executive Council; and

(*c*) three commissioners appointed,

(i) one from the caucus of the Government, by that caucus,

(ii) one from the caucus of the Official Opposition, by that caucus, and

(iii) one from the caucus of the party having the third largest membership in the Assembly other than a party referred to in subclauses i and ii, by that caucus,

and the name of each person appointed shall be communicated to the Speaker within ten days after being appointed.

Names of appointees to be communicated to Assembly

(2) The name and office of each member appointed as a commissioner shall be communicated by message from the Lieutenant Governor in Council to the Assembly.

Quorum

(3) A quorum of the Board consists of the Speaker, one commissioner appointed from among the members of the Executive Council and one other commissioner.

Procedures

83. The Board of Internal Economy may determine its rules and methods of procedure and shall keep a minute book in which shall be recorded the proceedings of the Board.

Powers and duties of Board

84. The Board of Internal Economy has the power and duty,

(*a*) to review estimates and forecasts, analyses of revenues, expenditures, commitments and other data pertaining to the Office of the Assembly and to assess the results thereof;

(*b*) to approve the organization and staff establishment for the Office of the Assembly;

(*c*) to approve and review administrative policies and procedures in relation to the operation of the Office of the Assembly;

(*d*) to advise upon all matters related to the management, administration, accounting and collection and disbursement of moneys associated with the Legislative Assembly Fund;

(*e*) to advise upon the retention and disposal of records except cancelled cheques; and

(*f*) to advise upon and give directions in relation to any matter the Board considers necessary for the efficient and effective operation of the Office of the Assembly,

and, if considered desirable, it may report on any of such matters to the Assembly.

Transfer of moneys within vote

85. The Board of Internal Economy may authorize the transfer of moneys from one item of the estimates of the Office of the Assembly to another item within the same vote and the Provincial Auditor shall make special mention in his report of any transfer under this section.

Regulation of terms and conditions of employment

86. Subject to the approval of the Board of Internal Economy, the Speaker may,

(*a*) establish job classifications and salary ranges;

(*b*) provide a system of cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(*c*) provide for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection;

(*d*) provide for the granting of leave of absence; and

(*e*) prescribe any other terms and conditions of employment,

for employees of the Office of the Assembly.

Application of employee benefits of public servants

87.—(1) The employee benefits applicable from time to time to the public servants of Ontario with respect to the matters referred to in clauses *b*, *c* and *d* of section 86 apply or continue to apply, as the case may be, to the permanent and full-time employees of the Office of the Assembly until a plan or system in relation to the same subject-matter is provided by the Speaker under this Act, and where any such benefits are provided for in regulations made under *The Public Service Act*, the Speaker, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970, c. 386

Vacation and sick leave credits to be transferred

(2) When the Speaker establishes a vacation or sick leave credit plan for the employees of the Office of the Assembly, there shall be placed to the credit of each employee the vacation or sick leave credits, as the case may be, standing to his credit in the plan under the regulations made under *The Public Service Act*.

Pension

R.S.O. 1970, c. 387

88. *The Public Service Superannuation Act* applies to the permanent employees and full-time probationary employees of the Office of the Assembly as though the Office of the Assembly was a board designated by the Lieutenant Governor in Council under section 27 of that Act, and all credits in the Public Service Superannuation Fund of persons appointed as permanent employees of the Office of the Assembly accumulated under that Act before they became employees of the Office of the Assembly, are preserved and continued in accordance with that Act.

Inquiry

89.—(1) If any complaint or representation is at any time made to the Speaker for the time being of the misconduct or unfitness of any employee of the Office of the Assembly, the Clerk of the Legislative Assembly may cause an inquiry to be made into such complaint or representation.

Reprimand, suspension or dismissal

(2) If, after a hearing, it appears to the Speaker that such person has been guilty of misconduct or is unfit to hold his position, the Speaker may, if such employee other than the Clerk of the Legislative Assembly has been appointed by the Lieutenant Governor in Council, reprimand or suspend him and report such suspension to the Lieutenant Governor in Council and if he has not been appointed by the Lieutenant Governor in Council, reprimand, suspend or dismiss him.

Appeal to Board

(3) A decision of the Speaker to suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established pursuant to *The Public Service Act*.

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of Part V of Regulation 749 of Revised Regulations of Ontario, 1970 that apply in relation to a grievance for dismissal apply *mutatis mutandis* to an appeal under this section and the decision of the Board is final and the Board shall make a report of its decision including the reasons therefor to the Speaker and shall deliver a copy of the report to the appellant. Grievance Board authorized to hear appeal

90.—(1) Every employee of the Office of the Assembly shall, before any salary is paid to him, take and subscribe before the Speaker, the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of office and secrecy in Form 3. Oath of office

(2) Every employee of the Office of the Assembly shall, before performing any duty as a member of the Office of the Assembly, take and subscribe before the Speaker or before the Clerk of the Legislative Assembly, or a person designated in writing by either of them, an oath of allegiance in Form 4. Oath of allegiance

91. On the day this Act comes into force, the members of the public service of Ontario who have agreed to accept employment in the Office of the Assembly shall cease to be employed in the public service and each such person shall become an employee of the Office of the Assembly at a salary of not less than he was receiving on the day immediately before the day this Act comes into force. Acceptance by public servants of employment in Office of the Assembly

92. The Speaker in his capacity as head of the Office of the Assembly shall be deemed to be an employer within the meaning and for the purposes of *The Workmen's Compensation Act*. Application of R.S.O. 1970, c. 505

93.—(1) Such parts of the Legislative Building as may be designated by the Lieutenant Governor in Council in addition to the Legislative Chamber shall be under the control of the Speaker and the order in council shall be laid before the Assembly. Part of Legislative Building under Speaker

(2) The Speaker shall establish guidelines for the security of the Legislative Chamber and the other parts of the Legislative Building that are under his control. Security guidelines

(3) The security of the parts of the Legislative Building designated to be under the control of the Speaker shall be enforced by the same personnel that enforce security in the other parts of the Legislative Building. Enforcement

Provision of services for Assembly

94. The Speaker may call upon any ministry or agency of the Crown to provide any service or commodity for or on behalf of the Assembly that the Speaker considers necessary and the ministry or agency shall provide such service or commodity upon such terms and conditions as the ministry or agency may require.

Conflict with other Acts 1971 (2nd Sess.), c. 12 R.S.O. 1970, c. 166 1972, c. 3

95. In the event of a conflict between any provision of this Act and any provision of *The Management Board of Cabinet Act, 1971*, *The Financial Administration Act* or *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, the provision of this Act prevails.

Act administered by Speaker

96. The Speaker is responsible for the administration of this Act.

Delegation of duties

97. The Speaker may, in writing, delegate to the Deputy Speaker or to any employee in the Office of the Assembly any of his powers and duties under sections 71 to 98.

Agreements

98.—(1) The Speaker, for and on behalf of the Office of the Assembly, may enter into any agreement that he considers advisable for the purposes of carrying out the provisions of this Act.

Agreements enure to benefit of Assembly

(2) Any agreement entered into by the Speaker, or by any person duly authorized by him, enures to the benefit of the Assembly.

Speaker not personally liable

(3) The Speaker or his delegate is not personally liable for any agreement that he has entered into under this section.

Actions brought in name of Attorney General

(4) The Speaker, for and on behalf of the Office of the Assembly, may sue in the name of the Attorney General.

Forms 3, 4, enacted

4. The said Act is further amended by adding thereto the following Forms:

FORM 3

(*Section 90*)

I, ..., do swear that I will faithfully discharge my duties as an employee of the Office of the Assembly and will observe and comply with the laws of Canada and Ontario, and, except as I may be legally required, I will not disclose or give to any person any information or document that comes to my knowledge or possession by reason of my being an employee of the Office of the Assembly.

So help me God.

FORM 4

(*Section 90*)

I, ..., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second (or the reigning sovereign for the time being), her heirs and successors according to law.

So help me God.

5.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 shall be deemed to have come into force on the 1st day of April, 1974. Idem

6. This Act may be cited as *The Legislative Assembly Amendment Act, 1974 (No. 2)*. Short title

CHAPTER 117

The Regional Municipalities Amendment Act, 1974

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Section 17 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 17, re-enacted

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

2. Section 27 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 74, section 1 and 1972, chapter 126, section 3, is repealed and the following substituted therefor: s. 27, re-enacted

27.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of Supply and distribution of water by Regional Corporation

water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment roll

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 11, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by an area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

Agreements

(11) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality in respect of the matters provided for in this Part.

s. 30, amended

3. Section 30 of the said Act is amended by adding thereto the following subsection:

Approval of O.M.B. to undertaking, etc.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and dis-

posal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme.

s. 124 (1), amended

4. Subsection 1 of section 124 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, is further amended by inserting after "254" in the second line "subsection 3 of section 308" and by inserting after "3" in the second line "10, 11, 12".

s. 127, amended

5. Section 127 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 140*a* (3), amended

6. Subsection 3 of section 140*a* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 74, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

s. 17, re-enacted

7. Section 17 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

8. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 51, section 2, is amended by adding thereto the following subsection: s. 27*a*, amended

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

9.—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2, is amended by striking out "or constructed" in the eighth line and inserting in lieu thereof "constructed or to be constructed". s. 54 (1), amended

(2) The said section 54 is amended by adding thereto the following subsections: s. 54, amended

(3) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(4) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 3 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

10. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14 and amended by 1973, chapter 158, section 6, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 154 (1), amended

11. Section 157 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one s. 157, amended

mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 119" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 172 (3), amended

12. Subsection 3 of section 172 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 17, re-enacted

13. Section 17 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

Acting chairman

17.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 27*a*, amended

14. Section 27*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 78, section 3, is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(6) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(7) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 6 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

15. Section 48 of the said Act is amended by adding thereto the following subsections: s. 48, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for the approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

16. Subsection 16 of section 114 of the said Act is repealed and the following substituted therefor: s. 114 (16), re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 12 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

17. Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1 and 1973, chapter 156, section 7, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 149 (1), amended

18. Section 152 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities s. 152, amended

under subsection 3 of section 114" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 166 (3), amended

19. Subsection 3 of section 166 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 18, re-enacted

20. Section 18 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, amended

21. Section 29 of the said Act is amended by adding thereto the following subsections:

Approval of O.M.B. to undertaking, etc.

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

22. Section 51 of the said Act is amended by adding thereto the following subsections: s. 51, amended

(1*a*) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.

(1*b*) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 1*a* and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. Powers of O.M.B.

23. Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3 and 1973, chapter 137, section 9, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12". s. 158 (1), amended

24. Section 161 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 161, amended

25. Subsection 3 of section 175 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, s. 175 (3), amended

weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 18, re-enacted

26. Section 18 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 29, re-enacted

27. Section 29 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 4, is repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

29.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and

surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255,

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

28. Section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 139, section 5, is repealed and the following substituted therefor: s. 31, re-enacted

31.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 35, amended

29. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 6, is further amended by adding thereto the following subsection:

Regional Council to make municipal appointments to hospital boards

(3) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area.

s. 77 (3), amended

30. Subsection 3 of section 77 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

s. 115 (1), amended

31.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, is further amended by striking out "and 254" in the second line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "3" in the second line "10, 11, 12".

s. 115, amended

(2) The said section 115 is amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 117, amended

32.—(1) Section 117 of the said Act is amended by striking out "not exceeding $50,000 in any one year" in the first and second lines.

s. 117, amended

(2) The said section 117 is further amended by adding thereto the following subsections:

Application of R.S.O. 1970, c. 284, ss. 354 (1), par. 50, 395

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation and no area municipality shall exercise any such power, save and except in respect of

those lands acquired or held by a local municipality on or before the 1st day of January, 1975.

Application

(3) The Regional Corporation shall be deemed to have had the authority conferred under subsection 2 since the 1st day of January, 1974.

s. 118, amended

33. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines.

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 18, re-enacted

34. Section 18 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

s. 26 (3), amended

35. Subsection 3 of section 26 of the said Act is amended by adding at the end thereof "but this provision shall not apply in the year 1974".

ss. 76, 77, re-enacted

36. Section 76, as amended by the Statutes of Ontario, 1973, chapter 161, section 5, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the

provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments - R.S.O. 1970 c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required - R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

37.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 161, section 6, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 161, section 6 and 1974, chapter 5, section 3, is further amended by adding thereto the following subsection:

Loans re sewer and water connections

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 118, amended

38. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines.

s. 131 (3), amended

39. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 18, re-enacted

40. Section 18 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 76, 77, re-enacted

41. Section 76, as amended by the Statutes of Ontario, 1973, chapter 162, section 7, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the

amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission. Regional Corporation, responsibility for collection and disposal of sewage

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage, Method of financing

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

42.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 162, section 8, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 162, section 8 and 1974, chapter 5, section 4, is further amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 118, amended

43. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines.

s. 131 (3), amended

44. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 18, re-enacted

45. Section 18 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 76, 77, re-enacted

46. Section 76, as amended by the Statutes of Ontario, 1973, chapter 163, section 6, and section 77 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

76.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in

the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property

assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

77.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof,

and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work,

project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council

of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 115 (1), amended

47.—(1) Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 163, section 7, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 115, amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 163, section 7 and 1974, chapter 5, section 5, is further amended by adding thereto the following subsection:

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

48. Section 118 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 81" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth, ninth and tenth lines. s. 118, amended

49. Subsection 3 of section 131 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 131 (3), amended

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

50. Section 18 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

51. Section 55, as amended by the Statutes of Ontario, 1973, chapter 147, section 4, section 56, section 57, as amended by the Statutes of Ontario, 1973, chapter 147, section 5 and sec- ss. 55, 56, re-enacted, ss. 57, 58, repealed

tion 58 of the said Act are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

55.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application

by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional

Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

56.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. Existing urban service areas

52.—(1) Subsection 1 of section 123 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, is further amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12". s. 123 (1), amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10 and 1974, chapter 5, section 6, is further amended by adding thereto the following subsection: s. 123, amended

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. Loans re sewer and water connections R.S.O. 1970, c. 284

53. Section 126 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 89" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 126, amended

s. 139 (3), amended

54. Subsection 3 of section 139 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances".

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

s. 18, re-enacted

55. Section 18 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor:

Acting chairman

18.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

ss. 78, 79, re-enacted

56. Sections 78 and 79 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, are repealed and the following substituted therefor:

Supply and distribution of water by Regional Corporation

78.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys

R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

Regional Corporation responsibility for collection and disposal of sewage

79.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the Regional Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments

R.S.O. 1970, c. 255

(3) If the Regional Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the

clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1970, cc. 255, 284

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in Regional Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection

and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional Corporation liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection 8, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work. R.S.O. 1970, c. 255

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines.

s. 119 (1), amended

57.—(1) Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and 254" in the third line and inserting in lieu thereof "254, subsection 3 of section 308 and section 348" and by inserting after "9" in the third line "10, 11, 12".

s. 119, amended

(2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 5, section 7, is further amended by adding thereto the following subsection:

Loans re sewer and water connections R.S.O. 1970, c. 284

(1*a*) Where the Regional Council passes a by-law under subsection 1 of section 362*a* of *The Municipal Act*, the council of any area municipality may exercise the powers contained in subsections 5, 6 and 7 of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality.

s. 119 (9), re-enacted

(3) Subsection 9 of the said section 119, as re-enacted by the Statutes of Ontario, 1974, chapter 5, section 7, is repealed and the following substituted therefor:

Idem

(9) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, the council of the successor area municipality to such local municipality, or the Regional Council when the subject-matter of the by-law pertains to a function of the Regional Corporation, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the Regional Corporation and the provisions of subsection 8 apply *mutatis mutandis* to any such by-law.

58. Section 122 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 84" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the ninth and tenth lines. s. 122, amended

59. Subsection 3 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances". s. 135 (3), amended

MISCELLANEOUS

60.—(1) This Act, except sections 2, 27, 28, 36, 41, 46, 48, 51 and 56, comes into force on the day it receives Royal Assent. Commencement

(2) Section 48 shall be deemed to have come into force on the 1st day of January, 1974.

(3) Sections 2, 27, 28, 36, 41, 46, 51 and 56 come into force on the 1st day of January, 1975.

61. This Act may be cited as *The Regional Municipalities Amendment Act, 1974* (No. 2). Short title

CHAPTER 118

An Act to amend The County of Oxford Act, 1974

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The County of Oxford Act, 1974*, being chapter 57, is repealed and the following substituted therefor: s. 18, re-enacted

18.—(1) When the warden is absent or refuses to act, or his office is vacant, the County Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the warden. Acting warden

(2) The County Council may by by-law appoint a member of the County Council to act from time to time in the place and stead of the warden when the warden is absent from the County or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the warden. Idem

2. Sections 74 and 75 of the said Act are repealed. ss. 74, 75, repealed

3.—(1) Subsection 1 of section 114 of the said Act is amended by inserting after "9" in the third line "10, 11, 12". s. 114 (1), amended

(2) The said section 114 is amended by adding thereto the following subsection: s. 114, amended

(9) Notwithstanding section 4 of *The Conservation Authorities Act*, the County Council may appoint to the Upper Thames River Conservation Authority the same number of members as the local municipalities within the County were entitled to appoint in the year 1974. Conservation Authority representation R.S.O. 1970, c. 78

4. Section 117 of the said Act is amended by striking out "and for which grant or grants there is no express authority provided by any other Act" in the fifth and sixth lines. s. 117, amended

s. 130 (3), amended

5. Subsection 3 of section 130 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof " and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the County Council considers appropriate in the circumstances".

s. 134, amended

6.—(1) Section 134 of the said Act is amended by adding thereto the following subsections:

Trustees deemed Commission

R.S.O. 1970, c. 390

(2*a*) The trustees of the Police Village of Drumbo as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Drumbo Hydro-Electric System, to be known as The Hydro-Electric Commission of Drumbo, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Drumbo in relation to the Police Village of Drumbo Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Drumbo.

Idem

(2*b*) The trustees of the Police Village of Plattsville as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Plattsville Hydro-Electric System, to be known as The Hydro-Electric Commission of Plattsville, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Plattsville in relation to the Police Village of Plattsville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Plattsville.

Idem

(2*c*) The trustees of the Police Village of Princeton as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Princeton Hydro-Electric System, to be known as The Hydro-Electric Commission of Princeton, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Princeton in relation to the Police Village of Princeton Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Princeton.

(2) Subsection 3 of the said section 134 is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsections 2, 2*a*, 2*b* and 2*c*". s. 134 (3), amended

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. This Act may be cited as *The County of Oxford Amendment Act, 1974*. Short title

CHAPTER 119

An Act to amend The District Municipality of Muskoka Act

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections: s. 8, amended

(5) When the chairman is absent or refuses to act, or his office is vacant, the District Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(6) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Idem

2. Part III of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, sections 1 and 2, is repealed and the following substituted therefor: ss. 26, 27, re-enacted, ss. 28-41, repealed

PART III

DISTRICT WATERWORKS SYSTEM

26.—(1) On and after the 1st day of January, 1975, the District Corporation shall have the sole responsibility for the supply and distribution of water in the District Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal cor- Supply and distribution of water by District Corporation

poration or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the District Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The District Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the District Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

District Corporation may require area municipality to collect moneys R.S.O. 1970, cc. 255, 284

(4) Where the District Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the

Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in District Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the District Area or for any area municipality is vested in the District Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

R.S.O. 1970, c. 255

Interest to be charged by area municipality

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting such supply and distribution of water, the District Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The District Corporation may enter into agreements with any person or municipality, with respect to the matters provided for in this Part.

Idem

(13) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the District Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the District Corporation.

R.S.O. 1970, c. 300

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines.

PART III-A

DISTRICT SEWAGE WORKS

District Corporation responsibility for collection and disposal of sewage

27.—(1) On and after the 1st day of January, 1975, the District Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the District Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the District Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The District Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(*a*) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

(*b*) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(*c*) by any method or methods authorized by law or by any combination thereof.

Preparation of special assessment rolls and collection of special assessments R.S.O. 1970, c. 255

(3) If the District Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

District Corporation may require area municipality to collect moneys required R.S.O. 1970, cc. 255, 284

(4) Where the District Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal

of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of property in District Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the District Area by any area municipality are vested in the District Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

District Corporation liability

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970, c. 255

Default

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the District Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area municipality responsibility for storm drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the district road system.

(13) The District Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the District Area, and where the District Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof. District Corporation may undertake land drainage program

(14) The District Corporation may enter into agreements with any person or municipality with respect to the matters provided for in this Part. Agreements

(15) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines. Existing urban service areas

3.—(1) Subsections 1 and 2 of section 68 of the said Act are repealed and the following substituted therefor: s. 68 (1, 2), re-enacted

(1) On and after the 1st day of January, 1975, the District Area shall be a planning area for the purposes of *The Planning Act*, and shall be known as the Muskoka Planning Area. Planning area R.S.O. 1970, c. 349

(2) The District Council shall be the planning board of the Muskoka Planning Area. District Council to be planning board

(2) Subsection 4 of the said section 68 is repealed and the following substituted therefor: s. 68 (4), re-enacted

(4) No area municipality shall exercise any of the powers under *The Planning Act* except those contained in sections 35, 35*a*, 35*b* and 38. Application of R.S.O. 1970, c. 349

(3) Subsection 5 of the said section 68 is amended by striking out "subsections 3 and 4" in the first line and inserting in lieu thereof "subsection 3". s. 68 (5), amended

(4) Subsection 6 of the said section 68 is amended by striking out "and" at the end of clause *a* and by striking out clause *b*. s. 68 (6), amended

4.—(1) Subsection 2 of section 69 of the said Act is amended by striking out "and the council of each area municipality shall within two years thereafter adopt and for- s. 69 (2), amended

ward to the Minister for approval an official plan for the area municipality" in the third, fourth, fifth and sixth lines.

s. 69, amended

(2) The said section 69 is further amended by adding thereto the following subsection:

District Council to consult area municipalities

(2*a*) During the course of preparation of the official plan for the District Area, the District Council shall, in respect of that part of the official plan that affects each area municipality, consult with the council of that area municipality, and the completed draft plan shall be referred for comment to the council of each area municipality prior to adoption by the District Council.

s. 89, amended

5. Section 89 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 6, is further amended by adding thereto the following subsections:

Area municipality deemed municipality under R.S.O. 1970, c. 405

(3) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

District Corporation deemed regional municipality

(4) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for district purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 92 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

s. 92 (4), amended

6.—(1) Subsection 4 of section 92 of the said Act is amended by striking out "equalize" in the first line and inserting in lieu thereof "weight" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

s. 92 (5), repealed

(2) Subsection 5 of the said section 92 is repealed.

s. 92 (6), amended

(3) Subsection 6 of the said section 92 is amended by striking out "equalization" in the second line and inserting in lieu thereof "weighting" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

s. 92 (7), amended

(4) Subsection 7 of the said section 92 is amended by striking out "equalized" in the second line and in the fifth line and inserting in lieu thereof in each instance "weighted".

(5) Subsection 8 of the said section 92 is amended by striking out "equalization" in the first line and in the fourth line and inserting in lieu thereof in each instance "weighting". s. 92 (8), amended

(6) Subsection 9 of the said section 92 is amended by striking out "equalized" in the second line and inserting in lieu thereof "weighted". s. 92 (9), amended

(7) Subsections 11 and 12 of the said section 92 are repealed and the following substituted therefor: s. 92 (11, 12), re-enacted

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of district levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or any other agency thereof or Ontario Hydro to any area municipality, and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304*a* of *The Municipal Act*, section 4 of *The Provincial Parks Municipal Tax Assistance Act, 1974*, and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*. Assessment to include valuations on properties for which payments in lieu of taxes paid, etc. R.S.O. 1970, c. 284, 1974, c. 110 1973, c. 73

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 11 and the said Ministry shall revise and weight the valuations of these payments and shall notify the District Corporation and the appropriate area municipality of such valuations. Valuation of properties

7. Sections 93, 94 and 95 of the said Act are repealed and the following substituted therefor: ss. 93, 94, re-enacted s. 95, repealed

93.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding. Assessment of merged areas

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment. Notice

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net district levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all Apportionment among merged areas R.S.O. 1970, cc. 405, 284, 32

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality, both according to the last revised assessment role as weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates R.S.O. 1970, c. 405

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

Levy by District Council before estimates adopted

94.—(1) Notwithstanding section 92, the District Council may in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 14 and 15 of section 92 apply to such levy.

Levy under s. 92 to be reduced

(2) The amount of any levy made under subsection 1 shall be deducted from the levy made under section 92.

Levy by area municipality before estimates adopted

(3) Notwithstanding section 93, the council of an area municipality may in any year before adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under s. 93 to be reduced

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 93.

Application of R.S.O. 1970, c. 284, s. 303 (4)

(5) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

s. 96 (2), amended

8.—(1) Subsection 2 of section 96 of the said Act is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

s. 96 (3), amended

(2) Subsection 3 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

(3) Subsection 4 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines. s. 96 (4), amended

(4) Subsection 5 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines. s. 96 (5), amended

(5) Subsection 7 of the said section 96 is repealed. s. 96 (7), repealed

9. Clause *b* of section 105 of the said Act is repealed. s. 105 (*b*), repealed

10. Subsection 1 of section 130 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 146, section 5, is repealed and the following substituted therefor: s. 130 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, subsection 3 of section 308 and subsections 3, 10, 11, 12, 24 and 46 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1970, c. 284

11. Section 132 of the said Act is amended by striking out "not exceeding $50,000 in any one year" in the first and second lines. s. 132, amended

12. Section 133 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines. s. 133, amended

13. Subsection 3 of section 149 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the District Council considers appropriate in the circumstances". s. 149 (3), amended

14.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

Idem

(2) Section 2 comes into force on the 1st day of January, 1975.

Short title

15. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974*.

CHAPTER 120

An Act to establish the Ministry of Culture and Recreation

Assented to December 20th, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Deputy Minister" means the Deputy Minister of Culture and Recreation;

(*b*) "Minister" means the Minister of Culture and Recreation;

(*c*) "Ministry" means the Ministry of Culture and Recreation.

Ministry established

2. There shall be a ministry of the public service to be known as the Ministry of Culture and Recreation.

Minister to have charge

3. The Minister shall preside over and have charge of the Ministry.

Duties of Minister of Culture and Recreation

4. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

Deputy Minister of Culture and Recreation

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Culture and Recreation who shall be the deputy head of the Ministry.

Staff

(2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*.

R.S.O. 1970, c. 386

Protection from personal liability

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority

for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

Liability of Crown

R.S.O. 1970, c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

Function of Ministry

6.—(1) It is the function of the Ministry to advance and encourage responsible citizenship through the process of cultural and recreational development, including,

(*a*) preserving and maintaining the cultural heritage of residents of Ontario with full recognition of their diverse traditions and backgrounds;

(*b*) promoting access to the benefits of citizenship and of active involvement in the cultural and recreational life of the Province; and

(*c*) stimulating the development of new forms of cultural expression and promoting the concept of individual and community excellence.

Idem

(2) In addition to the functions of the Ministry mentioned in subsection 1, the Minister shall perform such functions and duties as are assigned to him from time to time by the Lieutenant Governor in Council.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

Delegation of powers and duties

8. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

Advisory committees

9. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

Annual report

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Moneys required by Ministry

11. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1975, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature.

Commencement

12. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

13. This Act may be cited as *The Ministry of Culture and Recreation Act, 1974*.

CHAPTER 121

An Act to amend The Land Speculation Tax Act, 1974

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Sub-subclause A of subclause i of clause *a* of sub-section 1 of section 1 of *The Land Speculation Tax Act, 1974*, being chapter 17, is amended by inserting after "B" in the second line "BA, BB,". s. 1 (1) (*a*) (i) (A), amended

(2) Sub-subclause B of subclause i of clause *a* of sub-section 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (*a*) (i) (B), re-enacted

(B) as the result of a disposition described in subclause iv of clause *d* occurring on the death of a person dying after the 9th day of April, 1974, the fair market value of the designated land at the death of such person,

(BA) as the result of the creation of a trust of which the transferor was or became a beneficiary, or as the result of the distribution of the designated land to the transferor under the terms of a trust of which the transferor was, at the time of such distribution, a beneficiary, the fair market value of the designated land at the time it first became subject to the trust if it first became subject to the trust after the 9th day of April, 1974, or where the designated land first became subject to the trust on or prior to that date, the fair market value of the designated land on that date, and the existence with respect to the designated land of

any limited beneficial interest, whether for the life of some person or otherwise, that affected the designated land after the creation of the trust shall not be taken into account to reduce the fair market value of the designated land for the purposes of this subsubclause,

(BB) as the result of a disposition to him the proceeds of which were required to be determined in accordance with subclause iv of clause *l*, an amount equal to the proceeds of disposition so determined or to the proportion thereof that is reasonably attributable to the designated land with respect to which a lease or similar arrangement is being entered into by the transferor or with respect to which rights under any lease or similar arrangement are being sold, assigned or transferred by the transferor in circumstances that constitute a disposition by him within the meaning of subclause iii of clause *d*.

s. 1 (1) (*a*) (i) (C), amended

(3) Sub-subclause C of subclause i of clause *a* of subsection 1 of the said section 1 is amended by adding at the commencement thereof "subject to sub-subclauses B, BA, BB and D,".

s. 1 (1) (*a*) (i) (D), re-enacted

(4) Sub-subclause D of subclause i of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(D) as the result of a disposition exempt from tax by virtue of clause *h* of section 4, the fair market value applicable to the designated land on the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor making the disposition to the calculation of the adjusted value of which that subclause is applicable.

s. 1 (1) (*a*) (ii), amended

(5) Subclause ii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "or the cost to the transferor of its acquisition, whichever is the higher amount,".

(6) Subclause iii of clause *a* of subsection 1 of the said section 1 is amended by adding at the end thereof "and, in the case of a transferor making a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause *d* nor a disposition exempt from tax by virtue of clause *h* of section 4, the cost of improvements made to the designated land since the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and up to the earliest date that an improvement was made to the designated land by the transferor the cost of which is included by virtue of this subclause in computing adjusted value,". s. 1 (1) (*a*) (iii), amended

(7) Subclause iv of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (*a*) (iv), re-enacted

(iv) for that period that is not the shorter of,

(A) the period of time commencing on the 9th day of April, 1974 or the date upon which the designated land was acquired by the transferor, whichever is the later date, and during which the transferor owned the designated land, or

(B) the period of time commencing on the earliest day of the period determined under subclause v during which compound interest may be calculated in accordance with that subclause by the transferor and ending on the day of the disposition by the transferor,

the lesser of either,

(C) five-sixths of 1 per cent times the number of full months in the period determined to be applicable under either sub-subclause A or B times the amount determined under either subclause i or ii, whichever is applicable, or

(D) the total net maintenance costs incurred with respect to the designated land during the period determined to be applicable under either sub-subclause A or B,

(iv*a*) the reasonable costs incurred by the transferor in connection with the acquisition of or the disposing of the designated land, but not including taxes however imposed that are payable as a result of the disposition or any costs of acquisition that have been included by virtue of any other provision of this Act, and

. . . . .

s. 1 (1) (*a*) (v), re-enacted

(8) Subclause v of clause *a* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(v) in the case of a disposition of designated land used in farming that is neither a disposition within the meaning of subclause iv of clause *d* nor a disposition exempt from tax by virtue of clause *h* of section 4, an amount equal to compound interest at the rate of 10 per cent per annum calculated with annual rests upon the amount determined under subclause i or ii, whichever is applicable to the transferor, for the number of years in the period of time preceding the disposition and commencing on the 9th day of April, 1974 or the date of the occurrence of any disposition of such designated land within the meaning of subclause iv of clause *d* or the date of the occurrence of any disposition of such designated land that was not exempt from tax by virtue of clause *h* of section 4, whichever is the later date, throughout which farming was carried on on such designated land by the transferor or by any previous owner of such designated land or by a shareholder or member of the family of the transferor or such previous owner.

s. 1 (1) (*d*) (iii), amended

(9) Subclause iii of clause *d* of subsection 1 of the said section 1 is amended by striking out "ten" in the fifth line and inserting in lieu thereof "fifty" and by adding at the end thereof "if at the time of the sale, assignment or transfer of such rights, the term remaining under such lease or arrangement, including any renewals or extensions thereof, may exceed fifty years,".

(10) Subclause vi of clause *d* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (*d*), (vi), re-enacted

(vi) the sale or transfer in any manner of the beneficial interest in, or the allotment and issue (other than an allotment and issue of shares made to the holders of all shares to which are attached rights to vote ordinarily exercisable at meetings of the shareholders of the corporation and issued in proportion to their ownership of such shares determined immediately prior to such allotment and issue) of, shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders of the corporation and that are shares in the capital stock of a corporation 50 per cent or more of the assets of which consist of designated land, but this subclause does not apply to any transfer of the beneficial interest in such shares that occurs by reason of the death of the owner of them and that is not provided for by an agreement enforceable against the corporation that issued such shares or enforceable by or against the person legally or beneficially entitled to such shares immediately following the death of the owner of them, or

. . . . . .

(11) Subsection 1 of the said section 1 is amended by adding thereto the following clause: s. 1 (1), amended

(*ea*) "farming assets" of a farming corporation means,

(i) cash, trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming carried on by the farming corporation of which they are assets,

(ii) land, buildings, equipment, machinery and live stock that are used chiefly in the operation of the farm by the farming corporation,

(iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming, and

(iv) the building in which a shareholder of the farming corporation or a member or members of his family reside who is or are engaged in the operation of the farm if that building is on land that is used, or that is contiguous to land that is used, by that shareholder or member or members of his family in the operation of the farm.

s. 1 (1) (*f*), re-enacted

(12) Clause *f* of subsection 1 of the said section 1 is repealed and the following substituted therefor:

(*f*) "farming corporation" means a corporation,

(i) each share of which that confers on the holder thereof the right to vote is, at the date of any disposition with respect to which the expression is being applied, owned by one individual ordinarily resident in Canada, by an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the corporation, or by an individual ordinarily resident in Canada of whose family every other shareholder of the corporation is a member ordinarily resident in Canada,

(ii) 95 per cent of the assets of which are farming assets, and

(iii) which carries on farming in Ontario.

s. 1 (1) (*l*), amended

(13) Clause *l* of subsection 1 of the said section 1 is amended,

(*a*) by striking out "or" at the end of subclause ii;

(*b*) by adding "or" at the end of subclause iii;

(*c*) by adding thereto the following subclause:

(iv) an amount equal to the fair market value of the designated land with respect to which any lease or similar arrangement has been entered into, or with respect to which the

rights under any lease or similar arrangement that have been sold, assigned or transferred are exercisable, where the entering into such lease or similar arrangement or the sale, assignment or transfer of rights thereunder is a disposition within the meaning of subclause iii of clause *d*,

and

(*d*) by striking out "under the last will and testament of any person or on the intestacy of any person" in the thirty-ninth and fortieth lines and inserting in lieu thereof "described in subclause iv of clause *d*".

(14) Subsection 6 of the said section 1 is repealed. s. 1 (6), repealed

(15) Subsection 8 of the said section 1 is repealed. s. 1 (8), repealed

(16) Subsection 9 of the said section 1 is repealed and the following substituted therefor: s. 1 (9), re-enacted

(9) For the purpose of subsection 11 and of clause *a*, *l* or *o* of subsection 1, where, after the 9th day of April, 1974, a disposition that is not exempt from tax by virtue of clause *h* of section 4 and that is a disposition described in subclause v, vi or vii of clause *d* of subsection 1 occurs of or with respect to designated land, the person or persons who is or are immediately prior to the occurrence of such disposition beneficially interested in the designated land with respect to which such disposition has occurred shall be deemed to have disposed of it for proceeds of disposition equal to the amount of the fair market value of the designated land at the time of such disposition, and the person or persons who is or are immediately following the occurrence of such disposition beneficially interested in the designated land with respect to which such disposition has occurred shall be deemed to have acquired or reacquired the designated land for an amount equal to the amount of its fair market value at the time of such disposition, and for the purpose of determining the adjusted value of the designated land on the occurrence of the next subsequent disposition of the designated land that is not a disposition exempt from tax by virtue of clause *h* of section 4, subclauses iii, iv and, where applicable, v of clause *a* of subsection 1 apply only to the period ending at the time of the next subsequent disposition of the designated land that is not Application of Act to certain dispositions

exempt from tax by virtue of clause *h* of section 4 and commencing at the time when the transferor making such next subsequent disposition was last deemed to have acquired or reacquired the designated land pursuant to this subsection.

Determining assets consisting of designated land

(10) In determining, for the purposes of this Act or the regulations, whether 50 per cent or more of the assets of any organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital (which organization, syndicate, association of persons, partnership, joint venture or corporation with or without share capital is hereafter in this subsection referred to as the "disposing person") consist of designated land, the following rules apply,

(*a*) assets consisting of designated land shall be deemed to include all designated land to the extent that it is beneficially owned by a corporation that is in fact directly or indirectly controlled by the disposing person;

(*b*) where the assets of the disposing person (other than designated land owned by, or deemed by this subsection to be included in the assets of, the disposing person) derive all or part of their value from the value of designated land that is deemed by this subsection to be included in the disposing person's assets, there shall be deducted from the fair market value of those assets the value of which is so derived any amount reasonably attributable to the designated land deemed by this subsection to be included in the assets of the disposing person; and

(*c*) the percentage of the assets of the disposing person consisting of designated land shall be determined on the basis of the fair market value of all assets owned by, or deemed by this subsection to be included in the assets of, the disposing person and after making any deduction required to be made by clause *b*.

Disposition deemed to occur

(11) Where a disposition described in subclause v, vi or vii of clause *d* of subsection 1 occurs, it is deemed to be a disposition of or with respect to any designated land that is, at the occurrence of the first-mentioned disposition, deemed by subsection 10 to be included in the assets of an organization, syndicate, association of persons, partnership, joint venture or corporation with or without share

capital to the extent of the beneficial interest in such designated land that is deemed by subsection 10 to be included in such assets, and for the purposes of this Act or the regulations, such designated land shall be deemed to have been disposed of by a disposition described in subclause v, vi or vii, as the case may be, of clause *d* of subsection 1, but any purchaser or mortgagee of such designated land who acquires it for value or lends money on the security thereof, in good faith and without notice of the occurrence of a disposition deemed by this subsection to have occurred shall hold the designated land free from, and there shall not attach to such designated land, the special lien conferred by section 5 for the amount of any tax imposed by this Act as a result of a disposition deemed by this subsection to have occurred prior to the acquisition of such designated land by such purchaser or the taking of security thereon by such mortgagee.

Adjusted value on certain dispositions of rights under leases

(12) Where rights under any lease or similar arrangement are being sold, assigned or transferred in circumstances that constitute a disposition within the meaning of subclause iii of clause *d* of subsection 1 and where the proceeds of such disposition are required to be determined in accordance with subclause iv of clause *l* of subsection 1, the transferor making such disposition may, in lieu of the amount required by sub-subclause A, B, BA or C of subclause i of clause *a* of subsection 1 or by subclause ii of that clause to be added to the adjusted value applicable to such disposition, add an amount equal to the fair market value of the designated land with respect to which the rights under the lease or similar arrangement that are being sold, assigned or transferred are exercisable, such fair market value to be ascertained as at the 9th day of April, 1974 or the date on which the transferor acquired such rights, whichever is the later date.

2.—(1) Subsection 3 of section 2 of the said Act is amended by inserting after "interest" in the fourth line "from the later of ninety days after the disposition or the date of completion of the transaction of which the disposition is a part". s. 2 (3), amended

(2) The said section 2 is amended by adding thereto the following subsection: s. 2, amended

No tax on failure of disposition

(5) Notwithstanding anything to the contrary in this Act, where a disposition of or with respect to designated

land occurs and the transaction, sale or transfer of which the disposition is a part is not completed, and where, following such failure of completion, the transferor who made the disposition is in the same position with respect to the ownership of the designated land as he would have been had the disposition not occurred, no tax is payable with respect to such disposition.

s. 4 (*b*), amended

3.—(1) Clause *b* of section 4 of the said Act is amended by adding at the end thereof "by Ontario Hydro or by an authority as defined in *The Conservation Authorities Act*".

s. 4 (*c*), repealed

(2) Clause *c* of section 4 of the said Act is repealed.

s. 4 (*e*), amended

(3) Clause *e* of the said section 4 is amended by striking out "ten" in the eighth line and inserting in lieu thereof "eleven".

s. 4 (*h*), re-enacted

(4) Clause *h* of the said section 4 is repealed and the following substituted therefor:

(*h*) when the designated land,

(i) is disposed of otherwise than by a disposition described in subclause iv of clause *d* of subsection 1 of section 1,

(ii) is, at the time of its disposition, used in farming carried on by the transferor, by an individual ordinarily resident in Canada who is a member of the family of the transferor or by the transferor and any such individual,

(iii) is disposed of,

(A) to an individual ordinarily resident in Canada who is a member of the family of the transferor,

(B) to a corporation that, immediately following the disposition, is a farming corporation each share of which that confers on the holder thereof the right to vote is, at the date of such disposition, owned by the transferor making the disposition or by an individual ordinarily resident in Canada who is a member of the family of such transferor,

(C) by a disposition described in subclause vi of clause *d* of subsection 1 of section 1 that is the result of the sale or transfer in any manner of the beneficial interest in, or is the result of the allotment and issue of, shares in a farming corporation to an individual ordinarily resident in Canada who is a member of the family of every other shareholder of the farming corporation immediately prior to the sale, transfer or allotment and issue of such shares, or

(D) to a shareholder of a transferor that is a farming corporation, and

(iv) is disposed of for the purpose of enabling the person to whom the disposition is made to carry on farming on the designated land, or is disposed of with the intention that a farming corporation the shares of which are sold, transferred or allotted and issued as described in sub-subclause C of subclause iii will continue to carry on farming on the designated land.

(5) Clause *i* of the said section 4 is amended by striking out "or" in the fourth line. s. 4 (*i*), amended

(6) Clause *j* of the said section 4 is amended by inserting after "*Act,*" in the third line "an authority as defined in *The Conservation Authorities Act,*". s. 4 (*j*), amended

(7) The said section 4 is amended by adding thereto the following clauses: s. 4, amended

(*k*) when the designated land at the time of its disposition, as defined in this clause,

(i) has not previously been disposed of by a disposition for which exemption was claimed under this clause or under section 21,

(ii) is included in a registered plan of subdivision, is the subject-matter of a consent obtained under section 29 of *The Planning Act*, or is owned by the transferor and immediately abuts on designated land that was owned by the transferor and that was the subject-matter of such a consent, and R.S.O. 1970, c. 349

(iii) has, at the expense of the transferor, been,

(A) in the case where an agreement enforceable against the transferor has been entered into pursuant to clause *d* of subsection 5 of section 33 of *The Planning Act*, wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement,

R.S.O. 1970, c. 349

(B) in the case where the designated land disposed of is the subject of a consent obtained under section 29 of *The Planning Act*, wholly or partly serviced for the purpose of complying with any conditions respecting the servicing of the designated land that are imposed pursuant to subsection 12 of section 29 of that Act, or

(C) in the case where an agreement in writing enforceable against the transferor has been entered into with the municipality within which the designated land disposed of is situated, wholly or partly serviced for the purpose of complying with requirements for servicing contained in such agreement, and

(D) in all cases, wholly or partly serviced to the extent that construction of a building on the designated land disposed of could lawfully be commenced and, where applicable, to the further extent that a permit authorized by a by-law passed pursuant to subsection 1 of section 38 of *The Planning Act* by the municipality within which the designated land disposed of is situated, or a permit authorized by section 17 of *The Public Lands Act*, would be available,

R.S.O. 1970, cc. 349, 380

and for the purpose of determining the time at which a transferor making a disposition described in this clause is first entitled to the exemption conferred by this clause, the expression "time of its disposition" means

the time when the person to whom the disposition is made is first entitled to call for delivery to him of a conveyance or transfer of the designated land disposed of or of some other document or evidence of title the agreement to give which was a disposition of the designated land, and no disposition of designated land that is exempt from tax by virtue of this clause shall be deemed to have occurred, for the purposes of this Act, until the time of its disposition, as defined in this clause; or

(*l*) when the designated land disposed of is situated in territory without municipal organization that is not designated as a restricted area pursuant to section 17 of *The Public Lands Act*. R.S.O. 1970, c. 380

4. Subsection 3 of section 5 of the said Act is amended by striking out "in order to recognize or give effect to the disposition, it is necessary to register" in the first, second and third lines and inserting in lieu thereof "as a result of the disposition, there is registered" and by striking out "described in a clause and, where applicable, a subclause (which clause and subclause shall be expressly named in the affidavit) of section 4 of this Act" in the fourteenth, fifteenth and sixteenth lines and inserting in lieu thereof "not liable to the tax imposed by subsection 1 of section 2 by virtue of a provision of this Act or the regulations (which provision shall be expressly named in the affidavit)". s. 5 (3), amended

5. Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor: s. 20 (2), re-enacted

(2) Where designated land that is an investment property is disposed of, the taxable value, computed as if this section was not applicable, of the investment property disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time, Investment property reduction

(*a*) that commenced prior to, and ended on, the day on which the disposition occurs;

(*b*) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or a dis-

position that is an eligible disposition within the meaning of section 22*a*; and

(*c*) throughout the whole of which the designated land was an investment property or the principal residence of the transferor or of a person who disposed of the designated land within such uninterrupted period by a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or by a disposition that is an eligible disposition within the meaning of section 22*a*.

Farm property reduction

(3) Where designated land that is used in farming is disposed of and the disposition is neither a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 nor a disposition exempt from tax by virtue of clause *h* of section 4, the taxable value, computed as if this section was not applicable, of the designated land disposed of shall be reduced by an amount equal to one-tenth thereof for each full twelve-month period up to a maximum of ten such periods that is comprised in an uninterrupted period of time,

(*a*) that commenced prior to, and ended on, the day on which the disposition occurs;

(*b*) throughout the whole of which farming was carried on on the designated land by the transferor, by a person or persons who was or were members of the family of the transferor or, where the transferor is a farming corporation, was or were shareholders of that corporation, or by a farming corporation whose shareholders were the transferor or members of the family of the transferor; and

(*c*) during which no previous disposition of or with respect to the designated land occurred, other than a disposition within the meaning of subclause iv of clause *d* of subsection 1 of section 1 or a disposition exempt from tax by virtue of clause *h* of section 4.

s. 21, amended

6. Section 21 of the said Act is amended by adding thereto the following subsection:

Application of section

(5) This section applies only to dispositions of designated land occurring prior to the 1st day of April, 1975.

ss. 22*a*-22*c*, enacted

7. The said Act is further amended by adding thereto the following sections:

22*a*.—(1) In this section, Interpretation

"eligible disposition" means a disposition that is not exempt from tax by virtue of section 4, that is not a disposition described in subclause iv of clause *d* of subsection 1 of section 1, and that is a disposition that is the result of a transaction, arrangement or event whereby the beneficial interest in property of any kind is transferred or extinguished or whereby the control over the use of designated land or the proceeds of its disposition is changed, provided that such transfer or extinguishment of beneficial interest or such change of control is,

(*a*) from an individual to a member or members of his family;

(*b*) from an individual to a corporation all of the issued shares of which are, immediately following the disposition, beneficially owned by such individual or by a member or members of his family;

(*c*) from an individual to the trustees of a trust (other than a trust created by will) under the terms of which the income and corpus of the trust can be beneficially enjoyed or possessed by, or are vested in, only such individual or a member or members of his family, and no other person contingently interested under the terms of the trust can become entitled to the enjoyment or possession of, or to a vested interest in, the income or corpus of the trust except as the result of the death of the individual or a member or members of his family having a prior beneficial interest in such income or corpus;

(*d*) from individuals disposing of designated land, including designated land held by them as partnership property, that is owned by them as tenants in common or as joint tenants when the disposition is to a corporation in consideration for the allotment and issue to each such individual of shares of the corporation having a fair market value that is,

(i) where the designated land was owned immediately prior to the disposition as partnership property or in tenancy in common, not less than the fair market value of the individual's interest in the designated land immediately prior to the disposition, or

(ii) subject to subclause i, where the designated land was owned immediately prior to the

disposition in joint tenancy, not less than the amount that is in the same ratio to the total fair market value of the designated land so disposed of as the number one is to the number of such individuals who owned the designated land immediately prior to the disposition,

and provided that all of the issued shares of such corporation are, immediately following the disposition, owned only by the individuals who disposed of the designated land;

(*e*) from a corporation to its shareholders as part of the winding-up or dissolution of the corporation; or

(*f*) between or among any of the corporations related to each other in the following manner,

(i) the corporation owning all of the issued shares, except directors' qualifying shares, of a corporation described in subclause ii,

(ii) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by the corporation described in subclause i,

(iii) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by a corporation all of the issued shares of which, except directors' qualifying shares, are owned by the corporation described in subclause i, or

(iv) a corporation all of the issued shares of which, except directors' qualifying shares, are owned by one or more of the corporations that are related to each other in the manner described in subclause i, ii or iii.

Adjusted value and proceeds of disposition on eligible disposition

(2) For the purposes only of determining the tax imposed by subsection 1 of section 2 and notwithstanding any provision of this Act or the regulations to the contrary, where an eligible disposition occurs of or with respect to designated land, the proceeds of such eligible disposition shall be that amount that is equal to the adjusted value therefor computed in accordance with section 1 and without reference to any other valuation required to be made by subsection

9 of that section, and the person or persons who is or are immediately following the occurrence of such eligible disposition beneficially interested in the designated land with respect to which such eligible disposition has occurred shall, for the purposes of a subsequent disposition thereof compute the adjusted value on such subsequent disposition in accordance with the following rules,

(*a*) the cost of acquisition of the designated land shall be its cost of acquisition used in computing the adjusted value on the immediately preceding disposition if that disposition was an eligible disposition to which this section applied;

(*b*) there may be added to the amount determined under clause *a* all amounts included by virtue of this clause or subclause iii, iv or iv*a* of clause *a* of subsection 1 of section 1 in the computation of the adjusted value of the immediately preceding disposition if that disposition was an eligible disposition to which this section applied; and

(*c*) there may be added to the aggregate of the amounts determined under clauses *a* and *b* any amounts that the transferor making such subsequent disposition is entitled to include by virtue of subclause iii, iv or iv*a* of clause *a* of subsection 1 of section 1 in computing the adjusted value of such subsequent disposition.

Testamentary trusts

22*b*. Notwithstanding any provision of this Act or the regulations to the contrary, where designated land that is being disposed of is, immediately prior to its disposition, held upon the terms of a trust created by the last will and testament of the person who therein devised such designated land, or where designated land being disposed of was acquired by the transferor making the disposition as the result of a distribution of the designated land to him under the terms of a trust created by the last will and testament of the person who therein devised the designated land or by the last will and testament of a beneficiary of a trust so created who had a vested interest in the designated land capable of being devised or bequeathed by him, the person disposing of such designated land so held or acquired may, in computing its adjusted value on such disposition, include as his cost of acquisition of such designated land the higher of either,

(*a*) its fair market value on the date of death of the person by whose last will and testament such trust

was created or its fair market value on the 9th day of April, 1974, whichever is the later date; or

(*b*) its fair market value on the date of death, or other termination of the interest, of the last beneficiary under such trust to die, or to cease to have an interest therein, prior to the disposition and who was entitled under such trust to a vested interest in the designated land or to have the designated land held for his use and enjoyment or to have all or part of the income from such designated land held for, or paid to, him.

Additions to adjusted value of trust property

22*c*. Where designated land being disposed of is held in trust, or where the transferor disposing of designated land acquired it as the result of the distribution of the designated land to him under the terms of a trust of which he was, at the time of such distribution, a beneficiary, there may be included in computing the adjusted value of the disposition,

(*a*) the cost of improvements to the designated land made after the date as of which the acquisition cost of the designated land is required to be determined in computing the adjusted value of the disposition, provided that there shall not be included by virtue of this clause the cost of any improvement made prior to the 9th day of April, 1974 or the cost of any improvement that the transferor is entitled to include by virtue of subclause iii of clause *a* of subsection 1 of section 1 in computing the adjusted value of the disposition; and

(*b*) net maintenance costs that have not been included by virtue of subclause iv of clause *a* of subsection 1 of section 1 in computing the adjusted value of the disposition, but such net maintenance costs may be included only to the extent that the amount thereof does not exceed the product of five-sixths of 1 per cent times the amount of the acquisition cost of the designated land included in computing the adjusted value of the disposition times the number of full months in the period commencing on the date as of which such acquisition cost is required to be determined and ending on the day (not later than the date on which the disposition occurs) immediately preceding the day on which the transferor making the disposition was first entitled under subclause iv of clause *a* of subsection 1 of section 1 to include net maintenance costs in computing the adjusted value of the disposition.

8. Subsection 2 of section 23 of the said Act is amended by adding thereto the following clause: s. 23 (2), amended

(*m*) reducing the percentages or any of them mentioned in clause *d* or *g* of section 4 or in subsection 1 of section 20, or prescribing rules or formulae for determining the reduction in any percentage so mentioned that may be made without losing the benefit of the exemption or reduction described in clause *d* or *g* of section 4 or in section 20.

9.—(1) This Act, except subsections 7 and 15 of section 1, and sections 2 and 4, comes into force on the day it receives Royal Assent. Commencement

(2) Subsections 7 and 15 of section 1 and sections 2 and 4 shall be deemed to have come into force on the 9th day of April, 1974. Idem

10. This Act may be cited as *The Land Speculation Tax Amendment Act, 1974*. Short title

CHAPTER 122

An Act to provide for the Conservation, Protection and Preservation of the Heritage of Ontario

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning;

(*b*) "Board" means the Ontario Municipal Board;

(*c*) "donation" includes any gift, testamentary disposition, deed or trust or other form of contribution;

(*d*) "Foundation" means the Ontario Heritage Foundation;

(*e*) "inspect" includes to survey, photograph, measure and record;

(*f*) "licence" means a licence issued under this Act;

(*g*) "local advisory committee" means a local architectural conservation advisory committee;

(*h*) "Minister" means the Minister of Culture and Recreation;

(*i*) "municipality" means a city, town, village, township or improvement district and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act; R.S.C. 1970, c. I-6

(*j*) "object" means an object of archaeological or historic significance;

(*k*) "owner" means the person registered on title in the proper land registry office as owner;

(*l*) "permit" means a permit issued under this Act;

(*m*) "person" includes a municipality;

(*n*) "regulations" means the regulations made under this Act;

(*o*) "Review Board" means the Conservation Review Board.

PART I

HERITAGE CONSERVATION, PROTECTION AND PRESERVATION

Administration of Act

2. The Minister is responsible for the administration of this Act, and he may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario.

Officers and staff R.S.O. 1970, c. 386

3. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act* as are considered necessary from time to time for the administration of this Act.

PART II

ONTARIO HERITAGE FOUNDATION

Interpretation

4. In this Part, "property" means real and personal property.

Ontario Heritage Foundation continued

5.—(1) The Ontario Heritage Foundation is continued as a body corporate.

Composition of Foundation

(2) The Foundation shall consist of a board of directors of not fewer than twenty-one persons who shall be appointed by the Lieutenant Governor in Council.

Board to manage affairs of Foundation

(3) The board of directors shall manage and conduct the affairs of the Foundation.

Chairman

(4) The Lieutenant Governor in Council shall designate one of the directors to be the chairman and one or more of them to be vice-chairman or vice-chairmen of the board of directors.

Term of office

(5) A director may be appointed for a term not exceeding three years, but may be eligible for reappointment except

that a director shall not serve for more than two consecutive terms, but any such director shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

Quorum

(6) A majority of the directors constitutes a quorum.

Vacancy

(7) Where a vacancy occurs for any reason in the office of director, the vacancy may be filled by appointment by the Lieutenant Governor in Council and a person so appointed shall hold office for the remainder of the term of his predecessor.

R.S.O. 1970, c. 89 not to apply

6. *The Corporations Act* does not apply to the Foundation.

Objects of Foundation

7. The objects of the Foundation are,

(*a*) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario;

(*b*) to receive, acquire and hold property in trust for the people of Ontario;

(*c*) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

(*d*) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest;

(*e*) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation.

By-laws

8. The directors of the Foundation may, subject to the approval of the Minister, make such by-laws as are necessary for,

(*a*) the administration of the Foundation;

(*b*) the establishment, appointment and condition of membership therein;

(*c*) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and

(*d*) any other matter necessary for carrying out the objects of the Foundation.

Powers of Foundation

9. The Foundation may advise and make recommendations to the Minister on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic or scenic interest and to advise and assist the Minister in all matters to which this Act refers and in all matters as are assigned to it by or under any Act or regulation thereunder.

Further powers of Foundation

10.—(1) The Foundation, in accordance with the policies and priorities determined by the Minister for the conservation, protection and preservation of the heritage of Ontario and with the approval of the Minister, may,

(*a*) receive, acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest for the use, enjoyment and benefit of the people of Ontario;

(*b*) enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;

(*c*) conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical, architectural and archaeological matters;

(*d*) enter into agreements with prospective donors, subject to any conditions governing the use of property;

(*e*) enter into agreements with persons respecting any matter within the objects of the Foundation, and to provide financial assistance by way of grant or loan to such persons pursuant to any such agreements with regard to educational, research and communications programs, the maintenance, restoration and renovation of property and the management, custody and security of property;

(*f*) engage the services of experts and other persons;

(*g*) subject to the terms of any trust in connection with such property, dispose of property by sale, lease or any other manner and execute such deeds or other instruments as may be required to effect such disposal;

(*h*) borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 18;

(*i*) invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario;

(*j*) undertake programs of research into and documentation of matters relating to the heritage of Ontario and cause information to be compiled and studies to be undertaken;

(*k*) with the consent of the owner of the property, place markers, signs, cairns or other interpretive facilities for the interest and guidance of the public;

(*l*) provide assistance, advisory services and training programs to individuals, institutions, agencies and organizations in Ontario having similar aims and objectives as the Foundation.

Minister may exercise powers of Foundation

(2) Notwithstanding subsection 1, where in his opinion it is necessary in order to ensure the carrying out of the intent and purpose of this Act, the Minister may exercise the powers of the Foundation under subsection 1.

Crown agency

11.—(1) The Foundation is, for all purposes of this Act, an agent of Her Majesty in right of Ontario, and its powers under this Act may be exercised only as an agent of Her Majesty in right of Ontario.

Property

(2) Property acquired by the Foundation is the property of Her Majesty in right of Ontario and title thereto may be vested in the name of Her Majesty in right of Ontario or in the name of the Foundation.

General fund

12.—(1) The Foundation shall maintain a fund, hereinafter called the "general fund", which shall, subject to section 13, consist of moneys received by it from any source, including grants made under section 17.

Operating expenditures

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith.

Reserve fund

13.—(1) The Foundation shall maintain a reserve fund, which shall consist of moneys received by the Foundation expressly for allocation thereto.

Income

(2) The income of the reserve fund, or any part thereof, may be paid into and form part of the general fund.

Capital expenditures

(3) The Foundation shall not expend any of the capital of its reserve fund, except for investment under clause *i* of subsection 1 of section 10, without the consent of the Lieutenant Governor in Council.

Remuneration

14. The members of the board of directors of the Foundation shall be paid such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the Foundation.

Exemption from taxation

15. The Foundation, its real and personal property and business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause *g* of subsection 1 of section 10 to a person or organization not registered as a charitable organization under the *Income Tax Act* (Canada).

1970-71, c. 63 (Can.)

Audit

16. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.

Grants

17. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he considers advisable and may allocate any grants so made to the general fund or reserve fund.

Guarantee of loans

18. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.

Form of guarantee

19. The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Payment of guarantee

20. The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the require-

ments of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

Annual report

21.—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports

(2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require.

Easements

22.—(1) Any easement or covenant entered into by the Foundation may be registered against the real property affected in the proper land registry office.

Idem

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the Foundation may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Foundation may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

Assignment

(3) Any easement or covenant entered into by the Foundation under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property, and the assignee may enforce the easement or covenant as if it were the Foundation and it owned no other land which would be accommodated or benefitted by such easement or covenant.

Register

23. The Foundation shall keep a Register in which particulars of all properties designated under Parts IV and VI shall be entered.

PART III

CONSERVATION REVIEW BOARD

Review Board

24.—(1) A Review Board to be known as the "Conservation Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council.

Term of office

(2) A member of the Review Board may be appointed for a term not exceeding three years, but may be eligible for reappointment except that a member shall not serve for more than two consecutive terms, but any such member

shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

Chairman

(3) The Lieutenant Governor in Council shall appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(4) One member of the Review Board constitutes a quorum.

Remuneration and expenses

(5) The members of the Review Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Professional assistance

(6) Subject to the approval of the Minister, the Review Board may engage persons to provide professional, technical or other assistance to the Review Board.

Hearings

(7) The Review Board shall hold such hearings and perform such other duties as are assigned to it by or under this or any other Act or regulation thereunder.

Expenditures

25. The moneys required for the purposes of the Review Board shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

PART IV

Conservation of Buildings of Historic or Architectural Value

DESIGNATION OF PROPERTIES BY MUNICIPALITIES

Interpretation

26. In this Part,

(*a*) "designated property" means property in respect of which a by-law under this Part is in effect designating such property;

(*b*) "property" means real property and includes all buildings and structures thereon.

Register

27.—(1) A Register of all properties designated under this Part within a municipality shall be kept by the clerk of the municipality in which the property is situate and shall contain,

(*a*) a legal description of the designated property;

(*b*) the name and address of the owner; and

(*c*) a short statement of the reason for designation of the property.

(2) The clerk of a municipality shall issue extracts from the Register referred to in subsection 1 to any person on payment of the fee prescribed by the regulations. Extracts

28. The council of a municipality may, by by-law, establish a local advisory committee to be known as the Local Architectural Conservation Advisory Committee composed of not fewer than five members appointed by the council to advise and assist the council on all matters relating to this Part and Part V. Local Architectural Conservation Advisory Committee

29.—(1) Subject to subsection 2, where the council of a municipality intends to designate a property within the municipality to be of historic or architectural value or interest, it shall cause notice of intention to designate to be given by the clerk of the municipality in accordance with subsection 3. Proposed designation

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before giving notice of its intention to designate a property under subsection 1, consult with its local advisory committee. Consultation

(3) Notice of intention to designate under subsection 1 shall be, Notice of intention

(*a*) served on the owner of the property and on the Foundation; and

(*b*) published in a newspaper having general circulation in the municipality.

(4) Notice of intention to designate under subsection 1 shall contain, Contents of notice

(*a*) an adequate description of the property so that it may be readily ascertained;

(*b*) a statement of the reason for the proposed designation; and

(*c*) a statement that notice of objection to the designation may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

(5) A person who objects to a proposed designation shall, within thirty days after the date of first publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality Objection

a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(6) Where no notice of objection is served within the thirty-day period under subsection 5, the council shall,

(*a*) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(*b*) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3.

Referral to Review Board

(7) Where a notice of objection has been served under subsection 5, the council shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

Hearing

(8) Pursuant to a reference by the council under subsection 7, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection 5 and such other persons as the Review Board may specify, are parties to the hearing.

Place of hearing

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing.

Review Board may combine hearings

(10) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

Application of 1971, c. 47

(11) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

Report

(12) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure to report

(13) Where the Review Board fails to make a report within the time limited by subsection 12, such failure does not invalidate the procedure.

Decision of council

(14) After considering the report under subsection 12, the council without a further hearing shall,

(*a*) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(*b*) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3,

and its decision is final.

Permit to alter or demolish void

30. Where a notice of intention to pass a by-law designating a property is served and published under subsection 3 of section 29 and has not been withdrawn under clause *b* of subsection 6 or clause *b* of subsection 14 of section 29, the provisions of sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void.

Repeal of by-law

31.—(1) Subject to subsection 2, where the council of a municipality intends to repeal a by-law or part thereof desig-

nating property, it shall cause notice of intention to repeal the by-law or part thereof to be given by the clerk of the municipality in accordance with subsection 3.

Consultation

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before repealing a by-law or part thereof designating property, consult with its local advisory committee.

Notice of intention

(3) Notice of intention to repeal a by-law or part thereof under subsection 1 shall be,

(*a*) served on the owner of the property and on the Foundation; and

(*b*) published in a newspaper having general circulation in the municipality.

Contents of notice

(4) Notice of intention to repeal a by-law or part thereof under subsection 1 shall contain,

(*a*) an adequate description of the property so that it may be readily ascertained;

(*b*) a statement of the reason for the proposed repealing by-law; and

(*c*) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

Objection

(5) A person who objects to a proposed repealing by-law shall object to the repealing by-law in the manner set out in subsection 5 of section 29.

Application

(6) Subsections 6 to 14 of section 29 as they apply to an intention to designate a property shall apply *mutatis mutandis* to an intention to repeal a by-law or part thereof designating a property under this section.

Deletion from Register

(7) Where the council of a municipality passes a by-law repealing the designation of a property under this section, it shall cause the clerk of the municipality to delete any reference to the property from the Register referred to in subsection 1 of section 27.

Application

32.—(1) An owner of property designated under this Part may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property.

Decision of council

(2) After consultation with its local advisory committee, where one is established, the council shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

(*a*) refuse the application and cause notice of its decision to be given to the owner and to the Foundation; or

(*b*) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(i) a copy of the repealing by-law to be served on the owner and the Foundation,

(ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,

(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and

(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

Extension of time

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

Application for hearing

(4) Where the council refuses the application under subsection 2, the owner may within thirty days after receipt of the notice under subsection 2 apply to the council for a hearing before the Review Board.

Referral to Review Board

(5) The council shall, upon receipt of an application under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(7) A hearing under subsection 6 shall be held at such place in the municipality as the Review Board may determine.

Application of 1971, c. 47

(8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.

Report

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

Decision of council

(11) After considering a report under subsection 9, the council without a further hearing shall,

(*a*) refuse the application and cause notice of its decision to be given to the owner; or

(*b*) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(i) a copy of the repealing by-law to be served on the owner and the Foundation,

(ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,

(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and

(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office,

and its decision is final.

Re-application

(12) Where the council refuses an application under clause *a* of subsection 11, the owner of the property affected by the refusal may not reapply to have the designation revoked for twelve months from the service of the notice required under the said clause *a*, except with the consent of the council.

Alteration of property

33.—(1) No owner of property designated under this Part shall alter the property or permit the alteration of the property where the alteration is likely to affect the reason for the designation as set out in subsection 6 or 14 of section 29, as the case may be, unless he applies to the council and receives consent in writing to make such alteration.

Application

(2) An application under subsection 1 shall be accompanied by a detailed plan and shall set out such information as the council may require.

Notice of receipt

(3) The council, upon receipt of an application under subsection 1 together with such information as it may require under subsection 2, shall cause a notice of receipt to be served on the applicant.

Decision of council

(4) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days after the notice of receipt is served on the applicant under subsection 3 shall,

(*a*) consent to the application;

(*b*) consent to the application upon certain terms and conditions; or

(*c*) refuse the application,

and shall cause notice of its decision to be given to the owner and to the Foundation.

Extension of time

(5) The applicant and the council may agree to extend the time under subsection 4 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

Application for hearing

(6) Where the council consents to an application upon certain terms and conditions or refuses the application, the

owner may, within thirty days after receipt of the notice under subsection 4, apply to the council for a hearing before the Review Board.

Referral to Review Board

(7) The council shall, upon receipt of a notice under subsection 6, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place for hearing

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine.

Application of 1971, c. 47

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

Report

(11) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, the failure does not invalidate the procedure.

Decision of council

(13) After considering the report under subsection 11, the council without a further hearing shall confirm or revise its decision under subsection 4 with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final.

Application for demolition

34.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.

Decision of council

(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

(*a*) consent to the application; or

(*b*) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision,

(*c*) to be given to the owner and to the Foundation; and

(*d*) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

Extension of time

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

When demolition may proceed

(4) Notwithstanding subsection 1, where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause *b* of subsection 2 has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection 3 has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

(5) Where,

By-law designating property to be repealed

(*a*) the council consents to an application under clause *a* of subsection 2, or is deemed to have consented to an application under subsection 3; or

(*b*) the period of 180 days under clause *b* of subsection 2 has expired or where the extension of time agreed upon by the owner and the council under

subsection 3 has expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(*c*) a copy of the repealing by-law to be served on the owner and on the Foundation;

(*d*) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;

(*e*) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and

(*f*) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

New owner to give notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property.

Purchase or lease by-laws

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expropriating by-law R.S.O. 1970, c. 154

(2) Subject to *The Expropriations Act*, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

Easements

37.—(1) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected where the property is designated under this Part, in the proper land registry office.

Idem

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

Assignment

(3) Any easement or covenant entered into by the council of a municipality under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefitted by such easement or covenant.

Inspection

38.—(1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 3 of section 29.

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

Grants and loans

39.—(1) The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.

Loan is lien or charge on land

(2) The amount of any loan made under a by-law passed under subsection 1, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.

PART V

HERITAGE CONSERVATION DISTRICTS

Heritage conservation districts

40.—(1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

Consultation

(2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection 1, consult with its local advisory committee.

Designation of heritage conservation district

41.—(1) Subject to subsection 2, where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

Part IV not to be designated

(2) No property designated by a council of a municipality under Part IV shall be designated as part of a heritage conservation district under this Part.

Approval of Board required

(3) A by-law passed under subsection 1 does not come into force without the approval of the Board.

Notice

(4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection 1.

Notice to Foundation

(5) The council of a municipality shall, in addition to any notice required under subsection 4, cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection 1.

Hearing

(6) The Board shall, before approving a by-law under subsection 1, hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

(7) The Board may approve a by-law under subsection 1 as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof. Approval by Board

(8) Unless the council of the municipality applies to the Board for approval of a by-law under subsection 1, within fourteen days from the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days. Expiry

42. Where a by-law has been passed under section 41, no person shall in the area defined in the by-law erect, demolish or remove any building or structure, or alter the external portions thereof, without a permit therefor issued by the council of the municipality unless, Erection, demolition, alteration or removal prohibited

(*a*) the by-law has been deemed to be repealed under subsection 8 of section 41;

(*b*) the Board has issued an order refusing approval of the by-law; or

(*c*) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 2 of section 44.

43.—(1) An application for a permit referred to in section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application. Application

(2) An application under subsection 1 shall be considered by the council and the council, within ninety days of the receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall, Decision of council

(*a*) issue the permit as requested; or

(*b*) advise the applicant in writing that a permit is refused.

(3) Such terms and conditions as the council considers desirable may be attached to a permit issued under subsection 2. Terms and conditions

44.—(1) Where an application under section 43 to the council of a municipality for a permit to erect a building or structure or to alter the external portions of any building or structure is refused or the council fails to make a decision Erection or alteration

thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 2 of section 43, appeal to the Board and the Board shall hear the appeal and,

(*a*) dismiss the same; or

(*b*) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

Demolition or removal

(2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to the provisions of any other Act or regulation thereunder.

Application

45. The provisions of sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a heritage conservation district.

Delegation

46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

PART VI

CONSERVATION OF RESOURCES OF ARCHAEOLOGICAL VALUE

Interpretation

47. In this Part,

(*a*) "designated property" means property that is designated by the Minister under this Part;

(*b*) "property" means real property, but does not include buildings or structures other than ruins, burial mounds, petroglyphs and earthworks.

Registration required

48.—(1) Subject to subsection 2, no person shall carry out archaeological exploration, an archaeological survey or field work without a licence therefor issued by the Minister under this Part.

No licence required

(2) A licence is not required for archaeological exploration, an archaeological survey or field work on property that is listed in the regulations.

Minister to consult with Foundation

(3) The Minister, before granting or renewing a licence, refusing to grant or renew a licence or suspending or revoking a licence, shall consult with the Foundation.

Expiry

(4) A licence is effective only in the geographical area defined therein, expires on the date of expiry set out in the licence and may contain such particular terms and conditions to give effect to the purposes of this Part as the Minister may direct.

Licence not transferable

(5) A licence is not transferable.

Licence to be issued

(6) Subject to subsection 8, any person who applies in accordance with this Part and the regulations for a licence to carry out archaeological exploration or field work is entitled to be issued a licence by the Minister.

Renewal of licence

(7) Subject to subsection 8, a licensee who makes application in accordance with this Part and the regulations for renewal of his licence is entitled to a renewal of his licence by the Minister.

Refusal to issue licence

(8) Subject to section 49, the Minister may refuse to issue a licence if in his opinion,

(*a*) the applicant is not competent to conduct archaeological exploration or field work in a responsible manner in accordance with this Part and the regulations;

(*b*) the past conduct of the applicant affords reasonable grounds for belief that the archaeological exploration or field work will not be carried out in accordance with this Part and the regulations.

Revocation and refusal to renew

(9) Subject to section 49, the Minister may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under subsection 8 if he were an applicant, or where the licensee is in breach of a term or condition of the licence.

Notice of proposal to refuse or revoke

49.—(1) Where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Powers of Minister where no hearing

(3) Where an applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Referral to Review Board

(4) Where an applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing to determine whether the Minister should refuse to grant or renew a licence or should suspend or revoke a licence, as the case may be, and the Minister, the applicant or licensee and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application of 1971, c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) The Review Board shall, within thirty days after the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact, its recommendations and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure to report

(9) If the Review Board fails to make a report within the time limited by subsection 8, such failure does not invalidate the procedure.

Decision of Minister

(10) After considering the report under this section, the Minister without a further hearing shall carry out his proposal or refrain from carrying out his proposal or take such action as he considers proper in accordance with this Part and the regulations, and his decision is final.

Voluntary cancellation

(11) Notwithstanding subsection 1, the Minister may cancel a licence at the request in writing of the licensee in the prescribed form surrendering his licence.

Extension of time

50.—(1) The Minister may extend the time for requiring a hearing under section 49, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

Continuance pending renewal

(2) Where, before expiry of his registration, a licensee has applied for renewal of his registration, his registration shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

Minister may refuse to renew, suspend or revoke

51. Notwithstanding sections 49 and 50, the Minister, by notice to a licensee and without a hearing, may provisionally refuse renewal of, suspend or revoke a licence where in the Minister's opinion it is necessary to do so for the immediate protection and preservation of a property or an object for the purposes of this Part or where the continuation of exploration or field work under the licence is in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 49 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 49.

Proposed designation

52.—(1) Where the Minister, after consultation with the Foundation, intends to designate a property to be of archaeological or historical significance, he shall cause notice

of intention to designate to be given by the Foundation in accordance with subsection 2.

Notice of intention

(2) Notice of intention to designate under subsection 1 shall be,

(*a*) served on the owner of the property and on the clerk of the municipality in which the property is situate; and

(*b*) published in a newspaper having general circulation in the municipality in which the property is situate.

Contents of notice

(3) Notice of intention to designate under subsection 1 shall contain,

(*a*) an adequate description of the property so that it may be readily ascertained;

(*b*) a statement of the reason for the proposed designation;

(*c*) a statement of the period of time that the designation of the property is to remain in effect; and

(*d*) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate.

Objection

(4) A person who objects to a proposed designation may, within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate, serve on the Minister a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(5) Where no notice of objection is served within the thirty-day period under subsection 4, the Minister shall,

(*a*) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office, and

(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(*b*) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2.

Referred to Review Board

(6) Where a notice of objection has been served under subsection 4, the Minister shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

Hearing

(7) Pursuant to a reference by the Minister under subsection 6, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, any person who has filed an objection under subsection 4 and such other persons as the Review Board may specify, are parties to the hearing.

Place of hearing

(8) A hearing under subsection 7 shall be held at such place in the municipality in which the property is situate as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Review Board may combine hearings

(9) The Review Board may combine two or more related hearings to conduct them in all respects and for all purposes as one hearing.

Application of 1971, c. 47

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 7.

Report

(11) Within thirty days after the conclusion of a hearing under subsection 7, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Act and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure to report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, such failure does not invalidate the procedure.

Decision of Minister

(13) After considering the report under subsection 11, the Minister without a further hearing shall,

(*a*) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(*b*) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2,

and his decision is final.

Application of s. 56

53. Where a notice of intention to designate a property has been served and published under subsection 2 of section 52 and has not been withdrawn under clause *b* of subsection 5 or clause *b* of subsection 13 of section 52, the provisions of section 56 apply as if such property were designated property.

Revocation of order

54. The Minister may at any time, after consultation with the Foundation, order the designation of a property designated under this Part to be revoked and where the designation is revoked shall,

(*a*) cause a copy of the revoking order to be served on the owner and on the clerk of the municipality in which the property is situate;

(*b*) cause notice of the revoking order to be published in a newspaper having general circulation in the municipality in which the property is situate;

(*c*) cause reference to the property to be deleted from the Register referred to in section 23; and

(*d*) cause a copy of the revoking order to be registered against the property affected in the proper land registry office.

Application

55.—(1) An owner of property designated under this Part may apply to the Minister to have the designation revoked.

Decision of Minister

(2) The Minister after consultation with the Foundation shall consider an application under subsection 1 and may consult with the council of the municipality in which the designated property is situate and within ninety days of receipt thereof shall,

(*a*) refuse the application and cause notice of his decision to be given to the owner; or

(*b*) consent to the application and order the designation of the property to be revoked, and shall cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

(ii) reference to the property to be deleted from the Register referred to in section 23,

(iii) notice of such revocation of the designation of the property to be published in a newspaper having general circulation in the municipality in which the property is situate, and

(iv) a copy of the order to be registered against the property affected in the proper land registry office.

Extension of time

(3) The applicant and the Minister may agree to extend the time under subsection 2 and, where the Minister fails to notify the applicant of his decision within ninety days

of receipt of the application or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application.

Application for hearing

(4) Where the Minister refuses an application under subsection 2, the owner may, within thirty days after receipt of the notice under subsection 2, apply to the Minister for a hearing before the Review Board.

Referral to Review Board

(5) The Minister shall, upon receipt of a notice under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall, as soon as is practicable, hold a hearing open to the public to review the application and the Minister and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(7) A hearing under subsection 6 shall be held at such place in the municipality in which the property is situate as the Review Board may determine.

Application of 1971, c. 47

(8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.

Report

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

Decision of Minister

(11) After considering the report under subsection 9, the Minister without a further hearing shall,

(*a*) refuse the application and cause notice of his decision to be given to the owner; or

(*b*) consent to the application and order the designation of the property revoked, and cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

(ii) reference to the property to be deleted from the Register referred to in section 23,

(iii) notice of the revocation to be published in a newspaper having general circulation in the municipality in which the property is situate, and

(iv) a copy of the order to be registered against the property affected in the proper land registry office,

and his decision is final.

Permit required

56.—(1) No person shall excavate or alter property designated under this Part or remove any object therefrom unless he applies to the Minister and receives a permit therefor.

Issuance of permit

(2) An applicant is entitled to a permit or renewal of a permit by the Minister to excavate or alter designated property and remove objects therefrom except where the Minister is of the opinion that such excavation, alteration or the taking or removal of objects would impair or interfere with the protection of the designated property.

Terms and conditions of permit

(3) A permit is subject to such terms and conditions to give effect to the purposes of this Part, including terms of rehabilitation and security therefor as are consented to by the applicant, imposed by the Minister or prescribed by the regulations.

Permit not transferable

(4) A permit is not transferable.

Revocation and refusal to renew

57. Subject to section 58, the Minister may refuse to renew or may suspend or revoke a permit for any reason that would disentitle the permittee to a permit under section 55 if he were an applicant or where the permittee is in breach of a term or condition of the permit.

Notice of proposal of Minister

58.—(1) Where the Minister proposes to refuse to grant or renew a permit or proposes to suspend or revoke a permit, he shall serve notice of his proposal together with written reasons therefor on the applicant or permittee.

Contents of notice

(2) A notice under subsection 1 shall notify the applicant or permittee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing.

Minister may carry out proposals

(3) Where the applicant or permittee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposals stated in his notice under subsection 1.

Referral to Review Board

(4) Where an applicant or permittee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing as to whether the permit to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or permittee and such other persons as the Review Board may specify shall be parties to the hearing.

Place of hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application of 1971, c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) Within thirty days after the conclusion of a hearing under subsection 5, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to the issue, renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Decision of Minister

(9) After considering a report made under this section, the Minister shall without a further hearing confirm or revise his decision under subsection 1 with such modifications as the Minister considers proper and shall give notice of his decision and the reasons therefor to the applicant or permittee and to the other parties to the hearing, and his decision is final.

Extension of time

59.—(1) The Minister may extend the time for requiring a hearing under section 58, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or permittee pursuant to a hearing and that there are reasonable

grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Continuance pending renewal

(2) Where, before expiry of his registration, a permittee has applied for renewal of his registration, his registration shall be deemed to continue,

(*a*) until the renewal is granted; or

(*b*) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

Minister may refuse to renew, suspend or revoke

60. Notwithstanding sections 58 and 59, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of, or suspend the permittee's permit where the continuation of operations under the permit is, in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 58 apply as if the notice given under this section were a notice of a proposal to revoke the permit under subsection 1 of section 58.

Licence or permit not authority to enter

61. The issue of a licence under section 48 or a permit under section 56 does not authorize the holder of such licence or permit to enter upon any property.

Stop order

62.—(1) Where the Minister after consultation with the Foundation is of the opinion that property is of archaeological or historical significance and is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural, residential or other development, the Minister may issue a stop order directed to the person responsible for such commercial, industrial, agricultural, residential or other development prohibiting any work on the property for a period of no longer than 180 days, and within that period the Minister or any person authorized by him in writing may examine the property and remove or salvage objects therefrom.

Compensation

(2) Where a stop order is made by the Minister under subsection 1 and no agreement as to payment of compensation has been reached by the Minister and the person affected by the stop order, the person affected by the stop order shall be entitled to compensation for personal or business damages resulting from the stop order, and the provisions of *The Expropriations Act* with respect to the negotiation, payment

R.S.O. 1970, c. 154

and fixing of compensation apply *mutatis mutandis* as if the stop order imposed by this Part were an expropriation of rights.

Compensation where property designated

63. Where property is designated under section 52 and no agreement as to the payment of compensation has been reached by the Minister with the owner, the owner shall be entitled to compensation for personal or business damages for the period provided for in the order designating the property, and the provisions of *The Expropriations Act* with respect to the negotiation, payment and fixing of compensation apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

Inspection

64.—(1) For the purpose of carrying out this Part, any person authorized by the Minister in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 2 of section 52.

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

Report of field work

65.—(1) Within a reasonable time after the close of each season's field work, every licensee shall furnish to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.

Report of archaeological sites

(2) When so required by the Minister, a person, organization or corporation shall prepare and file with the Minister particulars of all property of archaeological or historical significance in Ontario, known to such person, organization or corporation.

Objects may be held in trust

66.—(1) The Minister may direct that any object taken under the authority of a licence or a permit be deposited in such public institution as he may determine to be held in trust for the people of Ontario.

Idem

(2) Any object that is taken by a person who is not a licensee or by a licensee in contravention of his licence or this Part may be seized by a person authorized so to do by the Minister and deposited in such public institution as the Minister may determine to be held in trust for the people of Ontario.

PART VII

GENERAL

Service

67.—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

Publication

(3) Any notice required to be published in a newspaper having general circulation in the municipality in which a property is situate shall be published in that newspaper once for each of three consecutive weeks.

Designation under private Acts

68.—(1) Where, before the date this Act comes into force, a building or structure is designated by any private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply.

Land deemed to be property under Part VI

R.S.O. 1970, c. 26

(2) Where, before the date this Act comes into force, land was designated under *The Archaeological and Historic Sites Protection Act* as an archaeological or historic site, as the case may be, the land shall be deemed to be property designated under Part VI of this Act and the provisions of Part VI shall apply.

Conflict

(3) Where there is a conflict between any provision of this Act or the regulations and any other Act or regulation, the provisions of this Act or the regulations shall prevail.

Offences

69.—(1) Subject to subsection 2, every person who,

(*a*) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(*b*) fails to comply with any order, direction or other requirement made under this Act; or

(*c*) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is $50,000 and not as provided therein.

Consent of Minister

(3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

No offence

(4) No person is liable under subsection 1 where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

Recovery of restoration costs

(5) Except where,

(*a*) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or

(*b*) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as close as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

Idem

(6) For the purpose of subsection 5, the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations.

Regulations

70. The Lieutenant Governor in Council may make regulations,

(*a*) governing applications for payment of grants or loans under this Act;

(*b*) prescribing forms and providing for their use;

(*c*) affixing fees or charges for services rendered under this Act;

(*d*) governing applications for a licence or renewal of a licence and prescribing the terms and conditions thereof;

(*e*) providing for the apportionment and distribution of moneys appropriated by the Legislature for,

(i) the establishment, maintenance, development and promotion of museums and historical institutions and providing for the condition covering the payment thereof,

(ii) any person, organization or corporation who, with the consent of the owner of the property, places markers, signs, cairns or other interpretive facilities for the interest and guidance of the public; and

(*f*) listing properties for which no licence is required under Part VI for archaeological exploration, an archaeological survey or field work.

Repeals

71. The following are repealed:

1. *The Ontario Heritage Foundation Act*, being chapter 315 of the Revised Statutes of Ontario, 1970.

2. *The Archaeological and Historic Sites Protection Act*, being chapter 26 of the Revised Statutes of Ontario, 1970.

3. Section 8 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commencement

72. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

73. This Act may be cited as *The Ontario Heritage Act, 1974*.

CHAPTER 123

An Act to amend The Highway Traffic Act

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1) par. 14, re-enacted

14. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.

(2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 45, section 1 and 1973, chapter 167, section 1, is further amended by adding thereto the following paragraph: s. 1 (1), amended

15*c*. "motor assisted bicycle" means a bicycle with an attached motor which is driven by electricity or which has a piston displacement of not more than fifty cubic centimetres and which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.

(3) Paragraph 16 of subsection 1 of the said section 1 is amended by striking out "a bicycle with a motor attached and" in the fourth and fifth lines and by adding at the end thereof "but does not include a motor assisted bicycle". s. 1 (1) par. 16, amended

(4) Paragraph 17 of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) par. 17, re-enacted

17. "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise

than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1 (1) par. 33, amended

(5) Paragraph 33 of subsection 1 of the said section 1 is amended by striking out "approved by the Ministry" in the third line.

s. 1 (1) par. 35, amended

(6) Paragraph 35 of subsection 1 of the said section 1 is amended by inserting after "vehicle" in the first line "motor assisted bicycle".

s. 1 (1), amended

(7) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

36. "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

s. 9 (1), amended

2. Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4 and 1974, chapter 66, section 5, is further amended by adding "or" at the end of clause *c*, by striking out "or" at the end of clause *d* and by striking out clause *e*.

s. 13 (6), amended

3. Subsection 6 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, is amended by adding thereto the following clauses:

(*g*) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive such qualifications as are specified in the regulations under the circumstances prescribed therein;

(*h*) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or as a condition of retention thereof by the holder of a driver's licence.

ss. 15*a*, 15*b*, enacted

4. The said Act is amended by adding thereto the following sections:

Displaying licence which has been suspended, altered, etc.

15*a*. No person shall,

(*a*) display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended,

fictitious or fraudulently obtained or altered driver's licence;

(*b*) lend his driver's licence to any other person or permit the use of it by another person;

(*c*) display or represent as his own any driver's licence not issued to him;

(*d*) fail or refuse to surrender to the Ministry upon its demand any driver's licence that has been suspended, revoked or cancelled; or

(*e*) apply for, secure or retain in his possession more than one driver's licence.

Driving prohibited while licence suspended

15*b*. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle in Ontario under a driver's licence or permit issued by any other jurisdiction during such suspension.

s. 18*a*, enacted

5. The said Act is further amended by adding thereto the following section:

Motor assisted bicycle drivers under 14 prohibited

18*a*. No person under the age of fourteen years shall drive a motor assisted bicycle on a highway.

s. 20, re-enacted
s. 21, repealed

6.—(1) Sections 20 and 21 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 9 and 10, are repealed and the following substituted therefor:

Suspension on conviction for certain offences R.S.C. 1970, c. C-34

20.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234, 235 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of,

(*a*) upon the first conviction, three months; and

(*b*) upon a subsequent conviction, six months,

provided that, if an order is made under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

Subsequent offence within five year period

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five

years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 1.

Licences now under suspension

(2) Where the driver's licence of a person was suspended upon conviction of any of the offences set out in subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by subsection 1 of this section, and the suspension is in force on the day this section comes into force, the suspension shall terminate after the period of suspension set out in clause *a* or *b*, as the case may require, of subsection 1 of the said section 20.

s. 22, repealed

7. Section 22 of the said Act is repealed.

s. 23, repealed

8. Section 23 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 11, is repealed.

s. 25, repealed

9. Section 25 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 167, section 7, is repealed.

ss. 30*a*, 30*b*, enacted

10. The said Act is further amended by adding thereto the following sections:

Service

30*a*. Notice to a person of the suspension of his driver's licence is sufficiently given if delivered personally or sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry and where notice is given by registered mail it shall be deemed to have been given on the fifth day after the mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice.

Driving while driver's licence suspended

30*b*. Every person who drives a motor vehicle on a highway when his driver's licence is suspended by operation of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than $500 and to the suspension of his driver's licence for a period of six months in addition to the period of suspension with respect to which he is convicted under this section.

s. 37 (14), amended

11.—(1) Subsection 14 of section 37 of the said Act is amended by inserting after "every" in the fifth line "motor assisted bicycle".

s. 37 (23), amended

(2) Subsection 23 of the said section 37 is amended by inserting after "vehicle" in the first instance in the second line "motor assisted bicycle".

12. Subsection 2 of section 39 of the said Act is amended by inserting after "motorcycle" in the first line "or motor assisted bicycle". s. 39 (2), amended

13.—(1) Subsection 1 of section 49 of the said Act is amended by inserting after "vehicle" in the first line and in the sixth line "or motor assisted bicycle". s. 49 (1), amended

(2) Section 49 of the said Act is amended by adding thereto the following subsection: s. 49, amended

(1*a*) Subsection 1 does not apply to a motor assisted bicycle with an attached motor which is driven by electricity. Idem

(3) Subsection 4 of the said section 49 is amended by inserting after "vehicle" in the first line "motor assisted bicycle". s. 49 (4), amended

14.—(1) Subsection 1 of section 55 of the said Act is repealed and the following substituted therefor: s. 55 (1), re-enacted

(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient. Examination of vehicle

(2) Subsection 3 of the said section 55 is amended by inserting after "vehicle" in the first line and in the second line "or motor assisted bicycle". s. 55 (3), amended

(3) Subsection 4 of the said section 55 is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle". s. 55 (4), amended

15.—(1) Clause *a* of section 56 of the said Act is amended by inserting after "vehicles" in the second line and in the third line "or motor assisted bicycles". s. 56 (*a*), amended

(2) Clause *b* of the said section 56 is amended by adding at the end thereof "and motor assisted bicycles". s. 56 (*b*), amended

(3) Clause *c* of the said section 56 is amended by inserting after "vehicles" in the first and second lines "and motor assisted bicycles". s. 56 (*c*), amended

16. Section 58*l* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection: s. 58*l*, amended

(3) A provincial judge or justice of the peace who makes a conviction for an offence under sections 58 to 58*m* or any regulation made under section 58*m*, or the clerk of the court Report on conviction to Director

in which the conviction is made, shall forthwith certify the conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened.

s. 66 (8), amended

17. Subsection 8 of section 66 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 68 (1), amended

18. Subsection 1 of section 68 of the said Act is amended by inserting after "more" in the second line "while on a highway".

s. 70 (1), amended

19.—(1) Subsection 1 of section 70 of the said Act is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (3), amended

(2) Subsection 3 of the said section 70, as amended by the Statutes of Ontario, 1973, chapter 45, section 24, is further amended by inserting after "contents" in the third line "while on a highway" and by inserting after "together" in the fourth line "while on a highway".

s. 70 (4), amended

(3) Subsection 4 of the said section 70 is amended by inserting after "vehicles" in the third line "while on a highway".

s. 70 (7), amended

(4) Subsection 7 of the said section 70, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 24, is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (8), amended

(5) Subsection 8 of the said section 70 is amended by inserting after "contents" in the first line "while on a highway".

s. 77 (8), amended

20. Subsection 8 of section 77 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 82, amended

21.—(1) Section 82 of the said Act is amended by adding thereto the following subsection:

Interpretation

(1*a*) In this section, "motor vehicle" includes "motor assisted bicycle".

s. 82 (8), amended

(2) Subsection 8 of the said section 82 is amended by striking out "approved by the Ministry and" in the second line.

22. Clause *a* of section 89 of the said Act is amended by striking out "approved by the Ministry" in the second line. s. 89 (*a*), amended

23. Subsection 2 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (2), re-enacted

(2) No yield right-of-way sign shall be erected except in compliance with the regulations. Erection of yield signs

24.—(1) Subsection 1 of section 92 of the said Act is amended by inserting after "pedestrian" in the first line and in the tenth line "or a person in a wheelchair". s. 92 (1), amended

(2) Subsection 2 of the said section 92 is amended by inserting after "pedestrian" in the fifth line "or a person in a wheelchair". s. 92 (2), amended

(3) Subsection 4 of the said section 92 is repealed and the following substituted therefor: s. 92 (4), re-enacted

(4) No pedestrian or person in a wheelchair shall leave the curb or other place of safety at a pedestrian crossover and walk, run or move the wheelchair into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way. Duty of pedestrian or person in wheelchair

25.—(1) Subsection 10 of section 96 of the said Act is amended by inserting after "pedestrians" in the fourth line "or any person in a wheelchair". s. 96 (10), amended

(2) Subsection 12 of the said section 96 is repealed and the following substituted therefor: s. 96 (12), re-enacted

(12) Subject to subsection 13, a pedestrian or a person in a wheelchair approaching and facing a green light at an intersection may proceed across the roadway, provided that, where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian or the person in the wheelchair shall proceed within the marked portion. Pedestrain rules re green signal

(3) Subsection 13 of the said section 96 is amended by inserting after "pedestrian" in the first line "or a person in a wheelchair". s. 96 (13), amended

(4) Subsection 14 of the said section 96 is amended by inserting after "pedestrian" in the second line "or a person in a wheelchair". s. 96 (14), amended

s. 96 (15), re-enacted

(5) Subsection 15 of the said section 96 is repealed and the following substituted therefor:

Pedestrian control signals

(15) Notwithstanding subsection 12,

(*a*) when a "walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right of way over all vehicles;

(*b*) when a "wait" or "don't walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown;

(*c*) a pedestrian or a person in a wheelchair proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has the right of way for that purpose over all vehicles.

s. 98 (5), amended

26. Subsection 5 of section 98 of the said Act is amended by inserting after "bicycle" in the first line and in the fifth line "motor assisted bicycle".

s. 101, amended

27. Section 101 of the said Act is amended by striking out "approved by the Ministry" in the fourth line.

s. 114, amended

28. Section 114 of the said Act is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".

s. 120 (1), re-enacted

29.—(1) Subsection 1 of section 120 of the said Act is repealed and the following substituted therefor:

Interpretation

(1) In this section, "school bus" means a bus used for the transportation of children to and from school that,

(*a*) bears on the rear thereof the words "do not pass when signals flashing";

(*b*) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof; and

(*c*) is painted chrome yellow with black lettering and trim,

as required by the regulations.

Prohibition (1*a*) No bus, other than a school bus, shall be painted chrome yellow.

Idem (1*b*) No motor vehicle, other than a school bus, shall bear the words "do not pass when signals flashing".

s. 120 (2), amended (2) Subsection 2 of the said section 120 is amended by striking out "or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children" in the first, second, third and fourth lines.

s. 120 (3, 4), re-enacted (3) Subsections 3 and 4 of the said section 120 are repealed and the following substituted therefor:

Duty of driver of school bus as to signal-lights (3) The driver of a school bus on a highway, when he is about to stop the school bus for the purpose of receiving or discharging school children, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

Idem (4) The driver of a school bus on a highway shall not actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

s. 120 (6) (*b*), re-enacted (4) Clause *b* of subsection 6 of the said section 120 is repealed and the following substituted therefor:

(*b*) prescribing the type, design and colour of such vehicles or any class or type thereof and the markings to be displayed thereon.

30.—s. 122 (1), amended (1) Subsection 1 of section 122 of the said Act is amended by inserting after "upon" in the first line "a motor assisted bicycle".

s. 122 (2), amended (2) Subsection 2 of the said section 122 is amended by inserting after "on" in the first line "a motor assisted bicycle or".

s. 128 (1), amended

31.—(1) Subsection 1 of section 128 of the said Act is amended by striking out "part of the King's Highway" in the second and third lines and inserting in lieu thereof "highway or part thereof".

s. 128 (2), amended

(2) Subsection 2 of the said section 128 is amended by inserting after "bicycles" in the second line "wheelchairs".

s. 135 (1), re-enacted

32. Subsection 1 of section 135 of the said Act is repealed and the following substituted therefor:

Inconsistent by-laws may be deemed invalid

(1) If a provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for,

(*a*) regulating traffic on the highways;

(*b*) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or

(*c*) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act and the by-law would have required the approval of the Minister or of the Ministry prior to the coming into force of this subsection, the provision of the by-law shall be deemed to be repealed.

Filing of municipal by-laws with Ministry

(1*a*) Subject to subsection 1*b*, a copy of every municipal by-law passed for any of the purposes mentioned in clause *a* or *c* of subsection 1 except by-laws regulating or prohibiting parking, stopping or standing shall be filed with the Ministry by the clerk of the municipality within fifteen days of the passing thereof.

Approval of traffic by-laws of connecting links

(1*b*) All by-laws passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for the purposes mentioned in clause *a* or *c* of subsection 1 which affect traffic on highways designated as connecting links pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* shall not become operative until approved by the Ministry.

R.S.O. 1970, c. 201

s. 139 (1), amended

33. Subsection 1 of section 139 of the said Act is amended by inserting after "vehicle" in the first line "or motor assisted bicycle".

34. Subsection 2 of section 147 of the said Act is amended by inserting after "vehicle" in the first line "or motor assisted bicycle". s. 147 (2), amended

35. The said Act is further amended by adding thereto the following sections: ss. 150*a*, 150*b*, enacted

150*a*.—(1) In this section, "judge" means a judge, provincial judge or justice of the peace. Interpretation

(2) Subject to subsection 3, a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar. Return of suspended driver's licence to Registrar

(3) Where a judge makes a conviction and the driver's licence of the person convicted is suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar. Judge to secure possession

150*b*.—(1) Where by or under the provisions of this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his licence to the Registrar forthwith, any police officer or constable may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer or constable to take possession of the licence and return it to the Registrar. Police officer, constable may secure possession

(2) Every person who fails or refuses to surrender his driver's licence when required by a police officer or constable pursuant to subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than $100. Penalty

36. The said Act is further amended by adding thereto the following section: s. 153*a*, enacted

153*a*.—(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20, and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect: Suspension of licence upon conviction

> *"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended forthwith for the period prescribed by statute".*

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of Idem

the clerk or registrar of the court to give the notice provided for in subsection 1.

s. 154 (2), re-enacted

37. Subsection 2 of section 154 of the said Act is repealed and the following substituted therefor:

Second conviction

(2) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a* of subsection 1, such first-mentioned conviction shall be deemed a second conviction.

Commencement

38.—(1) This Act, except sections 3, 6, 7, 8, 9 and 29, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 6, 7, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 29 comes into force on the 1st day of April, 1975.

Short title

39. This Act may be cited as *The Highway Traffic Amendment Act, 1974* (*No. 2*).

CHAPTER 124

An Act to establish the North Pickering Development Corporation

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the North Pickering Development Corporation;

(*c*) "Minister" means the Minister of Housing;

(*d*) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;

(*e*) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional and district municipality;

(*f*) "North Pickering Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;

(*g*) "Plan for Development" means a plan, policy and program, or any part thereof, prepared by the Corporation, covering the North Pickering Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental, agricultural and physical conditions of the Area, and consisting of the texts and maps describing the program and policy.

Establishment of North Pickering Planning Area

2. The Minister may, by order, establish as the North Pickering Planning Area, the area of land in Ontario defined in the order.

North Pickering Development Corporation established

3. There is hereby established a corporation without share capital under the name "North Pickering Development Corporation".

Board of Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than five and not more than nine members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, and who shall hold office for such term as the Lieutenant Governor in Council, on the recommendation of the Minister, determines.

Chairman

(2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

Reappointment

(3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

Remuneration

(4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

Seat in Assembly not vacated R.S.O. 1970, c. 240

(5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

Removal from office

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

Chief executive officer

(7) Subject to the approval of the Minister, the Board shall appoint a chief executive officer.

Vice-chairman

(8) In addition to the members of the Board appointed under subsection 1, the chief executive officer shall be, *ex officio*, a member of the Board and shall be the vice-chairman of the Board.

Acting chairman

(9) In case of absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman,

or if the vice-chairman is absent or the office is vacant, such director as the Board designates for such purpose, shall act as chairman and have all the powers of the chairman.

Quorum

(10) A majority of the directors constitutes a quorum of the Board.

Disclosure by director of interest in contracts

R.S.O. 1970, c. 100

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall neither vote nor be counted in any quorum involving any vote which may be taken in respect of a contract or transaction at a meeting of the directors of the Corporation.

Interest to be material

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest in, and the contract or transaction are, both material.

When declaration of interest to be made

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered or, if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested or, if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested or, if a contract or transaction, or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors at the first meeting of the directors held after the director becomes aware of it.

Effect of declaration

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract

or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

General notice

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or transaction or a proposed contract or transaction with the Corporation is a sufficient declaration of interest in relation to any contracts or transactions so made.

Oath of office and secrecy

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation:

I, ...
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The North Pickering Development Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the North Pickering Development Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Indemnification of officers and directors

7. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, in good faith made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

R.S.O. 1970, c. 89 not to apply

8. *The Corporations Act* does not apply to the Corporation.

Chairman to preside

9. The chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

Management

10. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the planning and development of the North Pickering Planning Area, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers.

Officers and employees

11.—(1) The Corporation may, subject to the approval of the Minister, establish positions, salary ranges and employee benefits for its officers and employees.

Idem

(2) The Corporation may appoint officers and employees in accordance with the provisions of subsection 1.

Employees' superannuation benefits

R.S.O. 1970, c. 387

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Professional and other assistance

12. The Corporation may engage persons other than those appointed under section 11 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons.

Transfer of assets

13. Such right, title and interest in property held by the Ontario Land Corporation that is included in the North Pickering Planning Area as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation shall be transferred to and vested in the Corporation.

Head office

14. The head office of the Corporation shall be established within the North Pickering Planning Area.

Seal

15. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Corporation.

Mechanical reproduction of seal and signature authorized

16. The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on

any security to which it is to be affixed and any signatures upon any such security may be engraved, lithographed, printed or otherwise mechanically reproduced and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes, valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Fiscal year

17. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Duties of Corporation

18. The Corporation shall prepare the Plan for Development and develop the North Pickering Planning Area in accordance with the Plan.

Contents of proposed Plan

19. The proposed Plan for Development may contain,

(*a*) policies for the economic, social, environmental, agricultural and physical development of the area covered by the Plan in respect of,

(i) the general distribution and density of population,

(ii) the general location of industry and commerce,

(iii) the identification of major land use areas and the provision of major parks and open space,

(iv) the management of land and water resources,

(v) the control of all forms of pollution of the natural environment,

(vi) the general location and development of major servicing, communication and transportation systems,

(vii) the development and maintenance of educational, cultural, recreational, health and other social facilities, and

(viii) such other matters as are, in the opinion of the Minister, advisable;

(*b*) policies relating to the financing and programming of public development projects and capital works; and

(*c*) such policies as are, in the opinion of the Minister, advisable for the implementation of the Plan.

Corporation to provide copy of Plan to municipalities and request necessary official plan amendments R.S.O. 1970, c. 349

20. The Corporation shall provide a copy of the Plan for Development to the council of each municipality that is within or partly within the North Pickering Planning Area and shall, in accordance with *The Planning Act*, request the council of each municipality that has planning jurisdiction to make such amendment to its official plan as may be required to enable the North Pickering Planning Area to be developed in conformity with the Plan for Development and the official plan of the municipality.

Amendment

21. Section 20 applies, *mutatis mutandis*, to any amendment to the Plan for Development.

General powers

22. The Corporation may do all things necessary or incidental to the carrying out by the Corporation of its duties and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance thereof,

(*a*) carry out investigations and surveys of the environmental, physical, social, economic and agricultural conditions of the North Pickering Planning Area;

(*b*) prepare a plan or plans of subdivision as from time to time may be necessary for submission for approval pursuant to *The Planning Act*;

(*c*) enter into agreements with any person, municipality, local board, government agency or authority;

(*d*) acquire, hold, manage, lease, demolish, alter, improve and dispose of land and other property;

(*e*) provide, manage and maintain services, amenities, installations, buildings and other structures;

(*f*) apply to the necessary authorities for any permits that may be necessary to carry out the objects and powers of the Corporation including but not limited to building permits;

(*g*) subject to the approval of the Minister, make such by-laws, rules and orders as may be considered expedient for the administration and management of its affairs;

(*h*) with the prior approval of the Minister in writing, establish and carry on any business, subsidiary business or undertaking; and

(*i*) with the prior approval of the Lieutenant Governor in Council, make grants, make loans, advance moneys or guarantee moneys loaned, to persons or governmental authorities.

Borrowing powers

23.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise such sums of money as the Corporation considers requisite for the objects of the Corporation in any one or more, or partly in one and partly in another, of the following ways,

(*a*) by loans or advances from the Consolidated Revenue Fund;

(*b*) by loans or advances from any Federal or Provincial government agency, including the Ontario Land Corporation;

(*c*) by temporary loans from any chartered bank to which the *Bank Act* (Canada) applies.

R.S.C. 1970, c. B-1

Evidences of indebtedness

(2) For the purposes of subsection 1, the Corporation may give such evidences of indebtedness as may be required.

Payment over to Corporation of moneys appropriated

24. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation, upon the Minister and at the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

R.S.O. 1970, c. 166

Grants and loans

25. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Revenue

26. The property and income revenues and profits of the Corporation shall be applied in furtherance of the objects of the Corporation, to repay any loans or debts outstanding or in accordance with any investment policies determined by the Lieutenant Governor in Council or in such other manner as the Lieutenant Governor in Council may determine.

Disposal of land, etc., by the Corporation

27. The Corporation may dispose of its land, property, assets, undertaking or any part thereof, to any person, municipality, government agency or authority.

Power to change names

28. The Corporation may, with the approval of the Minister, by by-law change the name of the Corporation or the name of the North Pickering Planning Area.

Audit

29.—(1) The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister in which the Provincial Auditor shall,

(*a*) express an opinion on the financial statements of the Corporation;

(*b*) include any matters which he considers should be brought to the attention of the Corporation and of the Minister.

Idem

(2) The annual report of the Provincial Auditor shall be included in the annual report of the Corporation.

Annual report

30.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Further reports

(2) The Corporation shall submit its annual estimates and multi-year forecasts to the Minister annually and shall make such further reports to the Minister as the Minister may from time to time require.

Conflict

31. In the event of conflict between the provisions of this Act and any other general or special Act, the provisions of this Act prevail.

Commencement

32. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

33. This Act may be cited as *The North Pickering Development Corporation Act, 1974*.

CHAPTER 125

An Act to amend The Environmental Protection Act, 1971

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, as amended by the Statutes of Ontario, 1972, chapter 1, section 69 and 1972, chapter 106, section 1, is further amended by adding thereto the following clause: s. 1 (1), amended

(*fa*) "local municipality" means a city, town, village or township.

2. Subsection 1 of section 95 of the said Act is repealed and the following substituted therefor: s. 95 (1), re-enacted

(1) Any regulation may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation. Scope of regulations

3. The said Act is amended by adding thereto the following section: s. 95*a*, enacted

95*a*.—(1) The councils of local municipalities may, subject to the approval of the Minister, pass by-laws, Municipal by-laws

(*a*) regulating or prohibiting the emission of sounds or vibrations;

(*b*) providing for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sounds or vibrations;

(*c*) prescribing maximum permissible levels of sounds or vibrations that may be emitted;

(*d*) prescribing procedures for determining the levels of sounds or vibrations that are emitted,

and such a by-law may make different provisions for different areas of a local municipality and may make provision for exempting any person, equipment or premises from any provision of the by-law for such period of time and subject to such terms and conditions as may be set out or provided for in the by-law.

Adoption of codes in by-laws

(2) A by-law passed by the council of a local municipality pursuant to subsection 1 may adopt by reference, in whole or in part, with such changes as the council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

Application of R.S.O. 1970, c. 284

(3) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

s. 96, amended

4. Section 96 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Subsection 1 does not apply in respect of section 95*a* and the enactment of section 95*a* or a by-law pursuant to section 95*a* does not affect the validity of an Act that is in force immediately before the coming into force of section 95*a*.

Commencement

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. This Act may be cited as *The Environmental Protection Amendment Act, 1974* (*No. 2*).

CHAPTER 126

An Act to incorporate the Ontario Lottery Corporation

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means the board of directors of the Corporation;

(*b*) "Corporation" means Ontario Lottery Corporation;

(*c*) "lottery scheme" includes a lottery, a game of chance and a game of mixed chance and skill;

(*d*) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

Minister responsible

2. The Minister is responsible for the administration of this Act.

Ontario Lottery Corporation established

3.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of Ontario Lottery Corporation consisting of not fewer than three and not more than nine members appointed by the Lieutenant Governor in Council.

Directors

(2) The members shall be the directors of the Corporation and shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Seal

(3) The Corporation shall have a seal which shall be adopted by resolution or by-law.

Fiscal year

(4) The fiscal year of the Corporation shall be the same as the fiscal year for the Consolidated Revenue Fund.

Chairman and vice-chairman

4.—(1) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Acting chairman

(2) In the case of the absence or illness of the chairman or there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.

Quorum

(3) A majority of the directors constitutes a quorum of the Board.

Board of directors

5.—(1) The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence, or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

By-laws

(2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Powers of Board

R.S.O. 1970, c. 89

(3) The Board has such powers as are necessary for the purpose of carrying out its objects including the powers set out in sections 304 and 305 of *The Corporations Act*, and in section 24 of that Act, except clauses *h*, *j*, *m*, *p*, *q*, *r*, *s*, *t*, *u* and *v* but otherwise *The Corporations Act* does not apply to the Corporation.

Staff

6.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications, salary ranges and benefits so approved.

Application of R.S.O. 1970, c. 387

(2) *The Public Service Superannuation Act* applies to the employees of the Corporation as though the Corporation is a board designated by the Lieutenant Governor in Council under section 27 of that Act.

Objects

7. The objects of the Corporation are,

(*a*) to develop, undertake, organize, conduct and manage lottery schemes on behalf of Her Majesty in right of Ontario;

(*b*) where authorized by the Lieutenant Governor in Council, to enter into agreements to develop, undertake, organize, conduct and manage lottery schemes on behalf of or in conjunction with the Government of Canada or the government of one or more of the other provinces of Canada;

(*c*) to do such other things as the Lieutenant Governor in Council may require from time to time.

Regulations

8. The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations,

(*a*) limiting and regulating the sale of lottery tickets of the Corporation by persons other than the Corporation and prescribing the fees, commission and discount in such sales;

(*b*) governing the manner of selecting prize winners under any lottery or class of lottery conducted by the Corporation;

(*c*) prescribing the conditions and qualifications for entitlement to prizes in lotteries or any class of lottery;

(*d*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Profits

9. The net profits of the Corporation after provision for prizes and the payment of expenses of operations shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct, to be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor.

Advances

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

Idem

(2) The moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Audit

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual report

12.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The Ontario Lottery Corporation Act, 1974*.

CHAPTER 127

An Act to amend The Municipal Unconditional Grants Act, 1974

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Municipal Unconditional Grants Act, 1974*, being chapter 25, is amended by adding thereto the following subsection: s. 3, amended

(3) There shall be paid to each municipality set out in column 1 of Schedule 2, Payments to municipalities

(*a*) in the year 1975, the sum set opposite the name of the municipality in column 2; and

(*b*) in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.

2. The said Act is amended by adding thereto the following Schedule: Sched. 2, enacted

SCHEDULE 2

Column 1	Column 2	Column 3
	$	$
County of Bruce	12,758.00	nil
Village of Hepworth	169.00	nil
Village of Lion's Head	303.00	nil
Town of Wiarton	1,075.00	nil
Town of Albemarle	1,352.00	nil
Township of Amabel	3,220.00	nil
Township of Eastnor	1,564.00	nil
Township of Lindsay	810.00	nil
Township of St. Edmund's	1,507.00	nil
Village of Havelock	2,020.00	nil
Village of Norwood	2,160.00	nil
Township of Burleigh and Anstruther	2,868.00	1,434.00
Township of Chandos	1,387.20	693.60
Township of Galway and Cavendish	2,749.20	1,374.60

Column 1	Column 2	Column 3
	$	$
Township of Harvey	4,995.60	2,497.80
Township of Asphodel	3,400.00	nil
Township of Belmont and Methuen	6,080.00	nil
Township of Dummer	4,640.00	nil
Town of Cache Bay	28.65	nil
Town of Sturgeon Falls	672.98	nil
Township of Caldwell	112.72	nil
Township of Field	41.37	nil
Township of Springer	144.00	nil
The Regional Municipality of Sudbury	173,200.00	nil
Town of Kenora	57,588.00	nil
Town of Sioux Lookout	14,850.00	nil
City of Thunder Bay	400.50	nil
County of Hastings	24,731.00	nil
Village of Hastings	1,700.00	nil
Improvement District of Beardmore	4,969.00	nil
United Counties of Prescott and Russell	1,058.93	nil

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1974.*

CHAPTER 128

An Act to amend The District Municipality of Muskoka Act

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 68 (4), re-enacted

1. Subsection 4 of section 68 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 3, is repealed and the following substituted therefor:

Area municipalities not to exercise powers under R.S.O. 1970, c. 349, ss. 12-16

(4) No area municipality shall exercise any powers under sections 12, 13, 14, 15 and 16 of *The Planning Act*.

Commencement

2. This Act shall be deemed to have come into force on the 20th day of December, 1974.

Short title

3. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974 (No. 2)*.

CHAPTER 129

An Act to amend The County of Oxford Act, 1974

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 134 of *The County of Oxford Act, 1974*, being chapter 57, as amended by the Statutes of Ontario, 1974, chapter 118, section 6, is further amended by adding thereto the following subsections: s. 134, amended

(2*d*) The trustees of the Police Village of Burgessville as it existed on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Burgessville Hydro-Electric System, to be known as The Hydro-Electric Commission of Burgessville, which shall be deemed to be a local board of the area municipality of the Township of Norwich, and all rights and obligations of the Police Village of Burgessville in relation to the Police Village of Burgessville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Burgessville. Idem R.S.O. 1970, c. 390

(2*e*) The trustees of the Police Village of Otterville as it existed on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Otterville Hydro-Electric System, to be known as The Hydro-Electric Commission of Otterville, which shall be deemed to be a local board of the area municipality of the Township of Norwich, and all rights and obligations of the Police Village of Otterville in relation to the Police Village of Otterville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Otterville. Idem

(2*f*) The trustees of the Police Village of Thamesford as it existed on the 31st day of December, 1974, shall, until such Idem

R.S.O. 1970, c. 390

date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Thamesford Hydro-Electric System, to be known as The Hydro-Electric Commission of Thamesford, which shall be deemed to be a local board of the area municipality of the Township of Zorra, and all rights and obligations of the Police Village of Thamesford in relation to the Police Village of Thamesford Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Thamesford.

s. 134 (3), amended

(2) Subsection 3 of the said section 134, as amended by the Statutes of Ontario, 1974, chapter 118, section 6, is further amended by striking out "and 2*c*" in the said amendment of 1974 and inserting in lieu thereof "2*c*, 2*d*, 2*e* and 2*f*".

Commencement

2. This Act shall be deemed to have come into force on the 31st day of December, 1974.

Short title

3. This Act may be cited as *The County of Oxford Amendment Act, 1974 (No. 2)*.

CHAPTER 130

An Act to amend The Highway Traffic Act

Assented to February 6th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5*a* of section 66 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 45, section 22, is repealed and the following substituted therefor: s. 66 (5*a*), re-enacted

(5*a*) The provisions of subsections 4 and 5 do not apply to, Vehicles exempt from provisions of subss. 4, 5

(*a*) a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway; or

(*b*) vehicles used exclusively for the transportation of milk.

2.—(1) Section 77 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 27, is further amended by renumbering subsection 1 as subsection 1*a* and by adding thereto the following subsection: s. 77, amended

(1) For the purposes of this section, "tank truck" means a commercial motor vehicle to which is permanently attached a closed tank having a capacity of 500 gallons or more. Interpretation

(2) Subsection 4 of the said section 77 is amended by adding at the commencement thereof "Subject to subsection 4*a*". s. 77 (4), amended

(3) The said section 77 is further amended by adding thereto the following subsection: s. 77, amended

(4*a*) During the months of March and April, two axle tank trucks while used exclusively for the transportation Idem

of liquid or gaseous heating fuel and two axle trucks while used exclusively for the transportation of live stock feed operated over or upon any portion of the King's Highway to which the provisions of subsection 4 are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 16,000 pounds without obtaining a permit as provided by section 65.

s. 77 (5*a*), re-enacted

(4) Subsection 5*a* of the said section 77, as enacted by the Statutes of Ontario, 1973, chapter 45, section 27, is repealed and the following substituted therefor:

Vehicles exempt from provisions of subss. 4, 5

(5*a*) The provisions of subsections 4 and 5 do not apply to,

(*a*) a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway; or

(*b*) vehicles used exclusively for the transportation of milk.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Highway Traffic Amendment Act, 1974 (No. 3)*.

CHAPTER 131

An Act to prohibit unfair Practices in Sales to Consumers

Assented to February 14th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "business premises" does not include a dwelling;

(*b*) "consumer" means a natural person but does not include a natural person, partnership or association of individuals acting in the course of carrying on business;

(*c*) "consumer representation" means a representation, statement, offer, request or proposal,

(i) made respecting or with a view to the supplying of goods or services, or both, to a consumer, or

(ii) made for the purpose of or with a view to receiving consideration for goods or services, or both, supplied or purporting to have been supplied to a consumer;

(*d*) "Director" means the Director under *The Ministry of Consumer and Commercial Relations Act*; R.S.O. 1970, c. 113

(*e*) "dwelling" means a premises or any part thereof occupied as living accommodation;

(*f*) "goods" means chattels personal or any right or interest therein other than things in action and money, including chattels that become fixtures but not including securities as defined in *The Securities Act*; R.S.O. 1970, c. 426

(*g*) "Minister" means the Minister of Consumer and Commercial Relations;

(*h*) "regulations" means the regulations made under this Act;

(*i*) "services" means services,

(i) provided in respect of goods or of real property, or

(ii) provided for social, recreational or self-improvement purposes, or

(iii) that are in their nature instructional or educational;

R.S.O. 1970, c. 113

(*j*) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*.

Unfair practices

2. For the purposes of this Act, the following shall be deemed to be unfair practices,

(*a*) a false, misleading or deceptive consumer representation including, but without limiting the generality of the foregoing,

(i) a representation that the goods or services have sponsorship, approval, performance characteristics, accessories, uses, ingredients, benefits or quantities they do not have,

(ii) a representation that the person who is to supply the goods or services has sponsorship, approval, status, affiliation or connection he does not have,

(iii) a representation that the goods are of a particular standard, quality, grade, style or model, if they are not,

(iv) a representation that the goods are new, or unused, if they are not or are reconditioned or reclaimed, provided that the reasonable use of goods to enable the seller to service, prepare, test and deliver the goods for the purpose of sale shall not be deemed to make the goods used for the purposes of this subclause,

(v) a representation that the goods have been used to an extent that is materially different from the fact,

(vi) a representation that the goods or services are available for a reason that does not exist,

(vii) a representation that the goods or services have been supplied in accordance with a previous representation, if they have not,

(viii) a representation that the goods or services or any part thereof are available to the consumer when the person making the representation knows or ought to know they will not be supplied,

(ix) a representation that a service, part, replacement or repair is needed, if it is not,

(x) a representation that a specific price advantage exists, if it does not,

(xi) a representation that misrepresents the authority of a salesman, representative, employee or agent to negotiate the final terms of the proposed transaction,

(xii) a representation that the proposed transaction involves or does not involve rights, remedies or obligations if the representation is false or misleading,

(xiii) a representation using exaggeration, innuendo or ambiguity as to a material fact or failing to state a material fact if such use or failure deceives or tends to deceive,

(xiv) a representation that misrepresents the purpose or intent of any solicitation of or any communication with a consumer;

(*b*) an unconscionable consumer representation made in respect of a particular transaction and in determining whether or not a consumer representation is unconscionable there may be taken into account that the person making the representation or his employer or principal knows or ought to know,

(i) that the consumer is not reasonably able to protect his interests because of his physical infirmity, ignorance, illiteracy, inability to

understand the language of an agreement or similar factors,

(ii) that the price grossly exceeds the price at which similar goods or services are readily available to like consumers,

(iii) that the consumer is unable to receive a substantial benefit from the subject-matter of the consumer representation,

(iv) that there is no reasonable probability of payment of the obligation in full by the consumer,

(v) that the proposed transaction is excessively one-sided in favour of someone other than the consumer,

(vi) that the terms or conditions of the proposed transaction are so adverse to the consumer as to be inequitable,

(vii) that he is making a misleading statement of opinion on which the consumer is likely to rely to his detriment,

(viii) that he is subjecting the consumer to undue pressure to enter into the transaction;

(*c*) such other consumer representations under clause *a* as are prescribed by the regulations made in accordance with section 16.

Unfair practices prohibited

3.—(1) No person shall engage in an unfair practice.

One act deemed practice

(2) A person who performs one act referred to in section 2 shall be deemed to be engaging in an unfair practice.

Rescission

4.—(1) Subject to subsection 2, any agreement, whether written, oral or implied, entered into by a consumer after a consumer representation that is an unfair practice and that induced the consumer to enter into the agreement,

(*a*) may be rescinded by the consumer and the consumer is entitled to any remedy therefor that is at law available, including damages; or

(*b*) where rescission is not possible because restitution is no longer possible, or because rescission would

deprive a third party of a right in the subject-matter of the agreement that he has acquired in good faith and for value, the consumer is entitled to recover the amount by which the amount paid under the agreement exceeds the fair value of the goods or services received under the agreement or damages, or both.

Exemplary damages

(2) Where the unfair practice referred to in subsection 1 comes within clause *b* of section 2, the court may award exemplary or punitive damages.

Liability

(3) Each person who makes the consumer representation referred to in subsection 1 is liable jointly and severally with the person who entered into the agreement with the consumer for any amount that the consumer is entitled to under subsections 1 and 2.

Liability of assignee R.S.O. 1970, c. 82

(4) Notwithstanding subsection 2 of section 42*a* of *The Consumer Protection Act*, the liability of an assignee of an agreement under subsection 1 or of any right to payment thereunder is limited to the amount paid to the assignee under the agreement.

Time for rescission

(5) A remedy conferred by subsection 1 may be claimed by the giving of notice of the claim by the consumer in writing to each other party to the agreement within six months after the agreement is entered into.

Delivery of notice

(6) A notice under subsection 5 may be delivered personally or sent by registered mail addressed to the person to whom delivery is required to be made, and delivery by registered mail shall be deemed to have been made at the time of mailing.

Evidence

(7) In the trial of an issue under subsection 1, oral evidence respecting an unfair practice is admissible notwithstanding that there is a written agreement and notwithstanding that the evidence pertains to a representation of a term, condition or undertaking that is or is not provided for in the agreement.

Application

(8) This section applies notwithstanding any agreement or waiver to the contrary.

Advertisers excepted from subs. 3

(9) Subsection 3 does not apply to a person who, on behalf of another person, prints, publishes, distributes, broadcasts or telecasts a representation or an advertisement that he accepts in good faith for printing, publishing, distributing, broadcasting or telecasting in the ordinary course of his business.

Duties of Director

5. The Director shall,

(*a*) perform such duties and exercise such powers as are given to or conferred upon the Director under this or any other Act;

(*b*) receive and act on or mediate complaints respecting unfair practices;

(*c*) maintain available for public inspection a record of,

(i) assurances of voluntary compliance entered into under this Act,

(ii) orders to cease engaging in unfair practices issued under this Act.

Order to cease unfair practice

6.—(1) Where the Director believes on reasonable and probable grounds that any person is engaging or has engaged in an unfair practice, the Director may order such person to comply with section 3 in respect of the unfair practice specified in the order.

Notice of proposal

(2) Where the Director proposes to make an order under subsection 1, he shall serve notice of his proposal on each person to be named in the order together with written reasons therefor.

Request for hearing

(3) A notice under subsection 2 shall inform each person to be named in the order that he is entitled to a hearing by the Tribunal if he mails or delivers within fifteen days after the notice under subsection 2 is served on him notice in writing requiring a hearing to the Director and the Tribunal and he may so require such a hearing.

Failure to request hearing

(4) Where a person upon whom a notice is served under subsection 2 does not require a hearing by the Tribunal in accordance with subsection 3, the Director may carry out the proposal stated in the notice.

Hearing

(5) Where a person requires a hearing by the Tribunal in accordance with subsection 3, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or to refrain from carrying out his proposal and to take such action as the Tribunal considers the Director ought to take in accordance with this Act and the regulations and for such purposes the Tribunal may substitute its opinion for that of the Director.

(6) The Tribunal may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act. Conditions

(7) The Director and the person who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

7.—(1) Notwithstanding section 6, the Director may make an order under subsection 1 of section 6 to take effect immediately where, in his opinion, to do so is necessary for the protection of the public and, subject to subsections 3 and 4, the order takes effect immediately. Order for immediate compliance

(2) Where the Director makes an order under subsection 1, he shall serve each person named in the order with a copy of the order together with written reasons therefor and a notice containing the information required to be in a notice referred to in subsections 2 and 3 of section 6. Notice of order

(3) Where a person named in the order requires a hearing by the Tribunal in accordance with the notice under subsection 2, the Tribunal shall appoint a time for and hold the hearing and may confirm or set aside the order or exercise such other powers as may be exercised in a proceeding under section 6. Hearing

(4) Where a hearing by the Tribunal is required, the order expires fifteen days after the giving of the notice requiring the hearing but, where the hearing is commenced before the expiration of the order, the Tribunal may extend the time of expiration until the hearing is concluded. Expiration of order

(5) The Director and the person who has required the hearing and such other persons having a direct interest in the order as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

8. Notwithstanding that, under section 9*b* of *The Ministry of Consumer and Commercial Relations Act*, an appeal is taken from an order of the Tribunal made under section 6 or 7, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. Stay R.S.O. 1970, c. 113

9.—(1) Any person against whom the Director proposes to make an order to comply with section 3 may enter into a written assurance of voluntary compliance in the prescribed form undertaking to not engage in the specified unfair practices after the date thereof. Assurance of voluntary compliance

Assurance deemed order

(2) Where an assurance of voluntary compliance is accepted by the Director, the assurance has and shall be given for all purposes of this Act the force and effect of an order made by the Director.

Undertakings

(3) An assurance of voluntary compliance may include such undertakings as are acceptable to the Director and the Director may receive a bond and collateral therefor as security for the reimbursement of consumers and reimbursement of the Treasurer of Ontario for investigation and other costs in such amount as is satisfactory to the Director.

Investigations by order of Minister

10. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Investigation by Director

11.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person is contravening or is about to contravene any of the provisions of this Act or regulations or an order or assurance of voluntary compliance made or given pursuant to this Act, the Director may by order appoint one or more persons to make an investigation as to whether such a contravention of the Act, regulation, order or assurance of voluntary compliance has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(*a*) upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(*b*) inquire into the transactions, business affairs, management and practices that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. 1971, c. 49

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

Search warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

Admissibility of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Report

(8) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a person may have contravened any of the provisions of this Act or the regulations, the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Order to refrain from dealing with assets

12.—(1) Where,

(*a*) an investigation of any person has been ordered under section 11; or

(*b*) an order has been issued against a person under section 6 or 7; or

(*c*) an assurance of voluntary compliance has been given under section 9,

the Director, if he believes it advisable for the protection of consumers of the person referred to in clause *a*, *b* or *c* may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds of the person referred to in clause *a*, *b* or *c* to hold such assets or trust funds or direct the person referred to in clause *a*, *b* or *c* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of clients, customers or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act* or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970, cc. B-4, W-11

R.S.O. 1970, cc. 228, 89, 53

Bond in lieu

(2) Subsection 1 does not apply where the person referred to in clause *a*, *b* or *c* of subsection 1 files with the Director,

(*a*) a personal bond accompanied by collateral security;

(*b*) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or

R.S.O. 1970, c. 196

(*c*) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

in such form, terms and amount as the Director determines.

Application for direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Application for cancellation of direction or registration

(4) Any person referred to in clause *a*, *b* or *c* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 may, at any time, apply to the court for cancellation in whole or in part of the direction and the court shall dispose of the application after a hearing and may, if it finds that such a direction is not required in whole or in part for the protection of consumers of the applicant or that the interests of other persons are unduly prejudiced thereby, cancel the direction in whole or in part, and the applicant, the Director and such other persons as the court may specify are parties to the proceedings before the court.

Service of notice

13. Any notice or document required by this Act to be served or given may be served or given personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Matters confidential

14.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under section 10 or 11 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

(*a*) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;

(*b*) to his counsel or to the court in any proceeding under this Act or the regulations;

(*c*) to inform the consumer involved of an unfair practice and of any information relevant to the consumer's rights under this Act; or

(*d*) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act or the regulations.

Certificate of Director as evidence

15. A copy of an order or assurance of voluntary compliance purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations

16.—(1) The Lieutenant Governor in Council may make regulations,

(*a*) requiring persons engaging in a business that includes consumer representations or any class of them to make such returns and furnish such information to the Director as is prescribed;

(*b*) requiring any information required or permitted to be furnished to the Director or contained in any form or return to be verified by affidavit;

(*c*) subject to subsection 2, adding to the consumer representations that are deemed to be unfair practices under clause *a* of section 2;

(*d*) exempting any class of person or type of consumer from this Act or the regulations or any provision thereof;

(*e*) requiring the payment of fees in respect of the inspection of public records maintained under section 5;

(*f*) prescribing forms for the purposes of this Act and providing for their use;

(*g*) prescribing the form, terms and collateral security for bonds given with assurances of voluntary compliance and providing for the forfeiture of bonds and the disposition of the proceeds.

Regulation re additional unfair practices

(2) A regulation under clause *c* of subsection 1 may be made when the Assembly is recessed or not in session and expires with the prorogation of the resumed session or of the next ensuing session, as the case may be.

17.—(1) Every person who, knowingly, Offences

(*a*) furnishes false information in an investigation under this Act;

(*b*) contravenes a regulation;

(*c*) fails to comply with any order or assurance of voluntary compliance made or entered into under this Act; or

(*d*) obstructs a person making an investigation under section 10 or 11,

is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Every person who engages in an unfair practice other than an unfair practice prescribed by a regulation made under clause *c* of subsection 1 of section 16, knowing it to be an unfair practice is guilty of an offence and on summary conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than one year, or to both. Idem

(3) Where a corporation is convicted of an offence under subsection 1 or 2, the maximum penalty that may be imposed upon the corporation is $25,000 and not as provided therein. Corporation

(4) Where a corporation has been convicted of an offence under subsection 1 or 2, Directors and officers

(*a*) each director of the corporation; and

(*b*) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

(5) No proceeding under this section shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Limitation period

(6) A representation or advertisement printed, published, distributed, broadcast or telecast by a person on behalf of another in the ordinary course of business under circumstances that are not a contravention of subsection 2 shall Exemption re advertisements

not be deemed to be an unfair practice for the purposes of section 3, but this subsection shall not be applied to affect the application of section 6 to the representation.

Commencement

18. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

19. This Act may be cited as *The Business Practices Act, 1974*.

CHAPTER 132

An Act to amend The Mining Tax Act, 1972

Assented to February 14th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Mining Tax Act, 1972*, being chapter 140, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause: s. 1, amended

(*a*) "associated persons" means associated persons as determined under subsection 2*b* of section 3.

(2) Clause *h* of the said section 1 is repealed and the following substituted therefor: s. 1 (*h*), re-enacted

(*h*) "output" when used in reference to a mine means the mineral substances raised, taken or obtained from any mine in Ontario, if those mineral substances,

(i) are sold as such, or

(ii) are not sold as such but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold.

(3) The said section 1 is further amended by adding thereto the following clause: s. 1, amended

(*ia*) "processing" means, with respect to mineral substances, any form of beneficiation, concentrating, smelting, refining or semi-fabricating, or any combination thereof.

2.—(1) Subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (1), re-enacted

Profit tax

(1) Every mine the profit of which as determined under this section exceeds $100,000 in a taxation year, is liable for and the owner, holder, tenant, occupier or operator of the mine shall pay a tax of,

(*a*) 15 per cent on the excess of profit above $100,000 and up to $1,000,000; and

(*b*) 20 per cent on the excess of profit above $1,000,000 and up to $10,000,000; and

(*c*) 25 per cent on the excess of profit above $10,000,000 and up to $20,000,000; and

(*d*) 30 per cent on the excess of profit above $20,000,000 and up to $30,000,000; and

(*e*) 35 per cent on the excess of profit above $30,000,000 and up to $40,000,000; and

(*f*) 40 per cent on the excess of profit above $40,000,000.

s. 3 (2), re-enacted

(2) Subsection 2 of the said section 3 is repealed and the following substituted therefor:

Mines operated together

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person or associated persons shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines.

Exception

(2*a*) Subsection 2 does not apply to a mine brought into active operation for the first time after the 9th day of April, 1974.

Associated persons

(2*b*) Where two or more mines are worked, operated, managed, or controlled by two or more persons and the Minister is satisfied, notwithstanding the separate existence of such persons,

(*a*) that their separate existence in a taxation year is not solely for the purpose of carrying out the business of the different persons in the most effective manner; and

(*b*) that one of the reasons for their separate existence is to reduce the amount of taxes that would be otherwise payable under this section,

the two or more different persons shall, if the Minister so directs, be deemed to be associated persons for the purpose of subsection 2 and section 6.

Notice

(2*c*) Written notice of a direction by the Minister under subsection 2*b* shall be mailed or delivered forthwith to the persons deemed to be associated persons.

Appeal

(2*d*) Where two or more different persons are deemed to be associated persons by direction of the Minister under subsection 2*b*, any such person or persons may, within thirty days after the day on which notice of the making of the direction is mailed or delivered, appeal the direction to a judge of the Supreme Court in accordance with the practice and procedures of that Court and an appeal lies to the Court of Appeal from a decision of a judge of the Supreme Court, provided that notice of such appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary.

s. 3 (3) (*b*), re-enacted

(3) Clause *b* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

(*b*) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold in the taxation year; or

. . . . . .

s. 3 (3) (*c*), re-enacted

(4) Clause *c* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

(*c*) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause *b*, the amount at which the mine assessor appraises the value of such mineral substances, provided that the mine assessor in appraising such value shall deduct,

(i) the processing costs incurred as prescribed or determined by the regulations, and

(ii) an allowance for profit in respect of processing at a rate or rates prescribed by the regulations or determined by the mine assessor,

from the proceeds of the processed mineral substances sold during the taxation year,

. . . . .

s. 3 (3) (*d*), re-enacted

(5) Clause *d* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

(*d*) the expenses incurred in respect of scientific research conducted in Canada and related to mining operations in Ontario.

s. 3 (3) (*l*), re-enacted

(6) Clause *l* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

(*l*) notwithstanding clause *k*, an allowance for depreciation in each taxation year not exceeding 30 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings acquired after the 9th day of April, 1974 that has not been used previously in mining operations until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable.

s. 3 (3) (*n*), re-enacted

(7) Clause *n* of subsection 3 of the said section 3 is repealed and the following substituted therefor:

(*n*) notwithstanding anything in this subsection, at least 15 per cent and up to 100 per cent of,

(i) the exploration and development expenditures incurred in Ontario after the 9th day of April, 1974 and prior to the date of commencement of production, with the object of finding, testing or opening up deposits of mineral substances, and

(ii) the exploration and development expenditures, incurred in Ontario on and after the date of commencement of production with the object of finding, testing or opening up deposits of mineral substances,

if the following conditions are met:

1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.

2. The expenditure is approved by the mine assessor.

3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.

4. The expenditure was made or borne by the operator of the mine liable to taxation.

5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6.

(8) Clause *e* of subsection 4 of the said section 3 is repealed. s. 3 (4) (*e*), repealed

3.—(1) Section 23 of the said Act is amended by adding thereto the following clauses: s. 23, amended

(*ca*) prescribing what shall be taken into consideration in determining if and at what point in time a mine is brought into active operation and providing for the making of such determination;

(*cb*) prescribing or determining anything that, by this Act, is to be prescribed or determined by the regulations.

s. 23, amended

(2) The said section 23 is further amended by adding thereto the following subsections:

Regulation re value of output at pit's mouth

(2) A regulation under clause *c* of subsection 1 may provide that no amounts may be deducted for processing costs or that no allowance or different rates of allowance for profit in respect of processing may be deducted in calculating the value of output at the pit's mouth in different areas prescribed in the regulation.

Regulation may be retroactive

(3) A regulation made under subsection 1 may be made effective retroactively to a date not earlier than the 1st day of January, 1974.

Saving, 1972, c. 140

4. Notwithstanding the repeal and re-enactment of clause *n* of subsection 3 of section 3 and the repeal of clause *e* of subsection 4 of section 3 of *The Mining Tax Act, 1972*, by subsection 7 and subsection 8, respectively, of section 2 of this Act, the provisions of the said clauses as they existed on the 9th day of April, 1974, shall continue to apply to all mines which commenced production after the 1st day of January, 1965 and on or before the 9th day of April, 1974.

Determination of tax

5. Where a taxation year ends after the 9th day of April, 1974 but commences before that date, the amount of tax payable shall be calculated on a *pro rata* basis by,

(*a*) determining the tax payable for the entire taxation year under section 3 of *The Mining Tax Act, 1972*, as amended by section 2 of this Act;

(*b*) determining the proportion of the amount of tax payable under clause *a* that the number of days of the taxation year that follow the 9th day of April, 1974 bears to the total number of days of that taxation year;

(*c*) determining the tax payable for the entire said taxation year under section 3 of *The Mining Tax Act, 1972*, as it existed on the 9th day of April, 1974;

(*d*) determining the proportion of the amount of the tax payable under clause *c* that the number of days of the taxation year that fall before the 10th day of April, 1974 bears to the total number of days of that taxation year;

(*e*) determining the aggregate of the amounts determined under clauses *b* and *d* in respect of the tax payable for the taxation year.

6. This Act shall be deemed to have come into force on the 10th day of April, 1974. Commencement

7. This Act may be cited as *The Mining Tax Amendment Act, 1974*. Short title

CHAPTER 133

An Act to amend The Condominium Act

Assented to February 14th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses: s. 1 (1), amended

(*ha*) "declarant" means the owner or owners in fee simple of the land described in the description at the time of the registration of a declaration and description of the land, and includes any successor or assignee of such owner or owners but does not include a *bona fide* purchaser of a unit who actually pays fair market value or any successor or assignee of such purchaser;

. . . . .

(*na*) "proposed unit" means land described in an agreement of purchase and sale that provides for delivery to the purchaser of a deed or transfer capable of registration after a declaration and description have been registered in respect of the land.

2.—(1) Clause *b* of subsection 1 of section 3 of the said Act is repealed and the following substituted therefor: s. 3 (1) (*b*), re-enacted

(*b*) the consent, in the prescribed form, of every person having a registered charge, mortgage, lien, or other claim securing the payment of money against the land or interests appurtenant to the land described in the description, other than a municipality having a registered agreement with the owner of the land described in the description or with any predecessor in title of the owner.

s. 3, amended

(2) The said section 3 is amended by adding thereto the following subsections:

Change of address for service

(5) Notwithstanding subsections 3 and 4, the corporation may by resolution of the board change its address for service and the change does not take effect until a notice thereof in the prescribed form is registered.

Amendment by judge

(6) The corporation on at least seven days notice to every owner, or an owner on at least seven days notice to the corporation and every other owner, may apply to a judge of the county or district court for an order amending the declaration or description and the judge, if he is satisfied that an amendment is necessary or desirable to correct a manifest error or inconsistency in the declaration or description or arising out of the carrying out of the intent and purpose of the declaration or description, may make the order.

Registration

(7) An amendment to a declaration or description made by an order under subsection 6 is ineffective until a certified copy of the order is registered.

s. 5 (1), amended

3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out "master of titles and every registrar of deeds" in the first line and inserting in lieu thereof "land registrar".

s. 5 (3), amended

(2) Subsection 3 of the said section 5 is amended by striking out "master of titles and every registrar of deeds" in the first line and inserting in lieu thereof "land registrar".

s. 8*a*, enacted

4. The said Act is amended by adding thereto the following section:

Easements and leases of common elements

8*a*.—(1) The corporation may, by by-law,

(*a*) lease any part of the common elements, except any part that the declaration specifies are to be used by the owners of one or more designated units and not by all the owners; and

(*b*) grant or transfer an easement or licence through the common elements.

Binding on all owners

(2) A lease or a grant or transfer of an easement or licence mentioned in subsection 1, signed by the authorized officers of the corporation under its seal, affects the interest of every owner in the common elements as if the lease, grant or transfer had been executed by him, and shall have attached thereto an affidavit of one of the officers stating that the lease, grant or transfer was authorized by a by-law of the corporation.

5.—(1) Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor: s. 9 (2), re-enacted

(2) The land registrar shall assign a name to each corporation or proposed corporation in accordance with the regulations. Name of corporation

(2) Subsection 7 of the said section 9 is repealed and the following substituted therefor: s. 9 (7), re-enacted

(7) If a vacancy in the membership of the board occurs, the majority of the remaining members of the board may appoint any person qualified to be a member of the board under the declaration or by-laws to fill the vacancy for the remainder of the term. Vacancy

(7*a*) Any director may be removed before the expiration of his term by a vote of members who together own a majority of the units and the members may elect any person qualified to be a member of the board under the declaration or by-laws for the remainder of the term of the director removed. Removal

6. The said Act is further amended by adding thereto the following sections: ss. 9*a*, 9*b*, enacted

9*a*.—(1) A corporation shall hold an annual meeting of the members not more than three months after the registration of the declaration and description, and subsequently not more than fifteen months after the holding of the last preceding annual meeting, and at such meeting any member of the corporation or any mortgagee or chargee entitled to vote shall have an opportunity to raise any matter relevant to the affairs and business of the corporation. Annual meetings

(2) The board may at any time call a meeting of the members of the corporation for the transaction of any business, the nature of which shall be specified in the notice calling the meeting. Other meetings

(3) The board shall, upon receipt of a requisition in writing made by members of the corporation who together own at least 25 per cent of the common elements, call and hold a meeting of the members of the corporation and if the meeting is not called and held within thirty days of receipt of the requisition, any of the requisitionists may call the meeting, and in such case, the meeting shall be held within sixty days of receipt of the requisition. Requisition for members' meeting

Requisition

(4) The requisition shall state the nature of the business to be presented at the meeting, and shall be signed by the requisitionists and deposited at the address for service of the corporation.

Notice

(5) At least ten days written notice of every meeting of the members of the corporation specifying the place, the date and the hour thereof and the nature of the business to be presented shall be given to each member and to each mortgagee or chargee entitled to vote, personally or by prepaid mail addressed to him at the address provided under subsection 6.

Record for notice

(6) The corporation shall maintain a record upon which shall be entered each owner or mortgagee or chargee who notifies the corporation of his entitlement to vote and of his address for service and the notice of a meeting required by subsection 5 shall be deemed to be sufficiently given if given in accordance with subsection 5 to those persons entered on the record twelve days before the date of the meeting.

Right to vote

(7) A mortgagee or chargee who receives a notice shall, in order to be entitled to exercise the right of the owner to vote or to consent, notify the corporation and the owner of his intention to exercise such right at least two days before the date specified in the notice for the meeting.

Election of new board

9*b*.—(1) The board elected at a time when the declarant owns a majority of the units shall, not more than twenty-one days after the declarant ceases to be the registered owner of a majority of the units, call a meeting of the members of the corporation to elect a new board of directors, and such meeting shall be held within twenty-one days after the calling of the meeting.

Member, etc., may call meeting

(2) If the meeting referred to in subsection 1 is not called within the time provided for by that subsection, any member of the corporation or any mortgagee or chargee entitled to vote may call the meeting.

s. 10 (1), amended

7. Subsection 1 of section 10 of the said Act is amended by adding thereto the following clause:

(*ha*) authorizing the borrowing of money to carry out the objects and duties of the corporation.

s. 11 (1), amended

8. Subsection 1 of section 11 of the said Act is amended by striking out "owners" in the second line and inserting in lieu

thereof "members of the corporation who together own a majority of the units".

9. The said Act is further amended by adding thereto the following section: s. 11*a* enacted

Entry by canvassers

11*a*. No corporation or servant or agent of a corporation shall restrict reasonable access to the property by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, any office in a municipal government or school board for the purpose of canvassing or distributing election material.

10. Subsection 4 of section 13 of the said Act is repealed and the following substituted therefor: s. 13 (4), re-enacted

Lien

(4) Where an owner defaults in his obligation to contribute to the corporation towards the common expenses in the proportion allocated to his unit, the corporation has a lien for the unpaid amount against that unit and its appurtenant common interest.

Expiration of lien

(4*a*) The lien mentioned in subsection 4 expires three months after the default that gave rise to the lien first occurred unless the corporation within that time registers a notice of lien in the prescribed form.

Certificate of lien

(4*b*) Any person acquiring an interest in a unit from an owner may, with the consent of the owner, request the corporation to give a certificate in the prescribed form in respect of the common expenses of the owner and of default in payment thereof, if any, by the owner, and the certificate binds the corporation as against the person requesting the certificate in respect of any default or otherwise shown in the certificate, as of the day it is given.

Idem

(4*c*) The corporation shall give the certificate requested under subsection 4*b* within seven days after its receipt of the request therefor and where the corporation fails to give the certificate within the time prescribed, the corporation shall be deemed, as against the person requesting the certificate, to have given a certificate stating no default.

11. Section 14 of the said Act is amended by adding thereto the following subsection: s. 14, amended

Easement

(1*a*) A grant or transfer of an easement to the corporation is as effective as if the corporation owns land capable of being benefited by the easement.

12. The said Act is further amended by adding thereto the following sections: ss. 15*a*, 15*b*, enacted

MANAGEMENT AGREEMENT

Management agreement

15*a*. The corporation may, by a vote of members who own 66-2/3 per cent of the common elements, terminate, on giving sixty days notice in writing, any agreement between the corporation and any person for the management of the property entered into at a time when the majority of the members of the board of directors were elected when the declarant was the registered owner of a majority of the units.

INVESTIGATION OF RECORDS

Examination of records

15*b*.—(1) Every person in receipt of money paid by or on behalf of an owner for the payment of common expenses shall, upon reasonable notice and during normal business hours, make available for examination by the corporation or any owner, mortgagee or chargee, all records relating to the disposition of such money.

Application to court

(2) Upon application to a judge of a county or district court by the corporation or any owner, mortgagee or chargee, the judge, if satisfied that the application is made in good faith and that it is *prima facie* in the best interests of the applicant to do so, may make an order, upon such terms as to the costs of the investigation or audit or otherwise as he considers proper, appointing an inspector to make such investigation of the affairs of any person in receipt of money mentioned in subsection 1 and to make such audit of the accounts and records of such person as the judge considers necessary.

Powers of inspector 1971, c. 49

(3) An inspector appointed under subsection 2 has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or audit as if it were an inquiry under that Act.

Trust money

(4) All money received for the payment of common expenses relating to a property after the 1st day of April, 1975 shall be held by the person in receipt thereof in trust for the performance of the duties and obligations in respect of which the money is paid, and he shall pay such money into a separate account at a chartered bank or trust company or a loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office and shall designate the account as a trust account.

s. 23 (1), amended

13.—(1) Subsection 1 of section 23 of the said Act is amended by striking out "Supreme Court" in the fourth line and inserting in lieu thereof "county or district court".

(2) Section 23 of the said Act is amended by adding thereto the following subsection: s. 23, amended

(2*a*) The lessee of a unit is subject to the duties imposed by this Act, the declaration and the by-laws, on an owner, except those duties respecting common expenses, and this section applies in the same manner as to an owner and where the lessee is in contravention of an order under this section, the court may terminate the lease. Application to lessees

14. The said Act is further amended by adding thereto the following sections: ss. 24*a*, 24*b*, enacted

SALE AND LEASE OF UNITS

24*a*.—(1) Every agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall be deemed to contain, Implied covenants in agreements of purchase and sale

(*a*) a covenant by the vendor to take all reasonable steps to register a declaration and description in respect of the property in which the unit is included without delay;

(*b*) a covenant by the vendor to take all reasonable steps to sell the other residential units included in the property without delay other than any units mentioned in a statement under clause *c* of subsection 1 of section 24*d*; and

(*c*) a covenant by the vendor to take all reasonable steps to deliver to the purchaser a registrable deed or transfer of the unit without delay.

(2) Notwithstanding any provision to the contrary contained therein, an agreement of purchase and sale of a proposed unit for residential purposes shall not be terminated by the proposed declarant only by reason of the failure to register the declaration and description within a period of time specified in the agreement, unless the purchaser consents to the termination in writing. Failure to register declaration within a specified period

(3) Notwithstanding subsection 2, the proposed declarant may apply to a judge of a county or district court and the judge may by order terminate the agreement if he is satisfied that, Application to court

(*a*) the proposed declarant has taken all reasonable steps to register a declaration and description;

(*b*) a declaration and description cannot be registered within a reasonable period of time; and

(*c*) the failure and inability to register a declaration and description is caused by circumstances beyond the control of the proposed declarant.

Subsequent registration under Act

(4) The judge may, in an order under subsection 3, provide that a declaration and description shall not be registered in respect of the property in which the proposed unit is included during such period as he specifies in the order.

Registration of order

(5) An order under subsection 3 is ineffective until a certified copy thereof is registered.

Payments of purchase price

(6) Where an agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes permits or requires the purchaser to take possession of or occupy the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the money paid in respect of such right or obligation to the proposed declarant shall be credited as payments of the purchase price unless the agreement states that the money or any part of it will not be so credited.

Disclosure before sale

24*b*.—(1) An agreement of purchase and sale entered into by a declarant of a unit for residential purposes is not binding on the purchaser unless the declarant has previously delivered to the purchaser a copy of,

(*a*) the declaration;

(*b*) those parts of the description showing,

(i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,

(ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the unit in relation to the other units and the buildings, and

(iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;

(*c*) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;

(*d*) any by-laws or any rules governing the use of common elements;

(*e*) any agreement for the management of the property or insurance trust agreement; and

(*f*) where the agreement for purchase and sale is entered into within the year immediately following the registration of the declaration and description, a budget statement prepared by the declarant for the year immediately following the registration of the declaration and description setting out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

Idem (2) An agreement of purchase and sale entered into by a proposed declarant for a proposed unit for residential purposes shall not be binding on the purchaser unless the proposed declarant has previously delivered to the purchaser a copy of,

(*a*) the proposed declaration;

(*b*) those parts of the proposed description showing,

(i) the perimeter of the horizontal surface of the land and perimeter of the buildings,

(ii) the shape and dimensions of the unit, the boundaries of the unit by reference to the buildings and the approximate location of the units in relation to the other units and the buildings, and

(iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners;

(*c*) a statement of the recreational or other amenities intended to be provided by the declarant for the enjoyment of the owners and of the conditions, if any, that apply to the provision of such amenities;

(*d*) any proposed by-laws or any proposed rules governing the use of common elements;

(*e*) any agreement or proposed agreement for the management of the property or insurance trust agreement; and

(*f*) a budget statement prepared by the proposed declarant for the year immediately following the registration of the declaration and description setting

out the common expenses, the proposed amount of each expense, particulars of the service to be provided and the amount to be contributed by the purchaser for the year.

Further disclosure before transfer of title

(3) Where an agreement of purchase and sale to which subsection 2 applies has been entered into, the proposed declarant shall, at least ten days before delivering a deed or transfer for the unit to the purchaser, deliver to the purchaser a further copy of each document or instrument mentioned in subsection 1 or confirmation that the document or instrument is identical in all substantial or material respects to a corresponding document or instrument previously delivered to him under subsection 2.

Inaccurate statement of common expenses

(4) Where the total amount incurred for the common expenses provided for in the statement mentioned in clause *f* of subsection 1 or clause *f* of subsection 2 exceeds the total of the proposed amounts set out in the statement, the declarant shall forthwith pay to the corporation the amount of the excess except in respect of increased expenses attributable to the termination of an agreement under section 15*a*.

Application of section

(5) This section does not apply to agreements of purchase and sale entered into before the 1st day of April, 1975.

s. 24*c*, enacted

15. The said Act is further amended by adding thereto the following section:

Trust money

24*c*.—(1) All money received by or on behalf of a proposed declarant from a purchaser on account of a sale or an agreement for the purchase and sale of a proposed unit for residential purposes before the registration of the declaration and description, other than money paid as rent or as an occupancy charge, shall be held in trust by the person receiving such money for the person entitled thereto in respect of the agreement and such money shall be held in a separate account designated as a trust account at a chartered bank or trust company or loan company authorized by law to receive money on deposit or a Province of Ontario Savings Office until,

(*a*) its disposition to the person entitled thereto; or

(*b*) delivery of prescribed security to the purchaser for repayment.

Interest

(2) Where an agreement of purchase and sale referred to in subsection 1 is terminated and the purchaser is entitled to the return of any money paid under the agreement, the proposed declarant shall pay to the purchaser interest on such money at the prescribed rate.

(3) Subject to subsection 2, where a purchaser of a proposed unit under an agreement of purchase and sale referred to in subsection 1 enters into possession or occupation of the unit before a deed or transfer of the unit acceptable for registration is delivered to him, the proposed declarant shall pay interest at the prescribed rate on all money received by him on account of the purchase price from the day the purchaser enters into possession or occupation until the day a deed or transfer acceptable for registration is delivered to him. Idem

(4) Subject to subsections 2 and 3, the proposed declarant is entitled to any interest earned on the money required to be held in trust under subsection 1. Idem

(5) This section does not apply in respect of money received before the day on which section 15 of *The Condominium Amendment Act, 1974* comes into force. Application of section

16. The said Act is further amended by adding thereto the following sections: ss. 24*d*, 24*e*, enacted

24*d*.—(1) A declarant or proposed declarant shall not grant a lease of a unit or proposed unit for residential purposes unless, Leases of units

(*a*) the lessee has entered into a *bona fide* agreement to purchase the unit;

(*b*) the lease grants to the lessee a *bona fide* option to purchase the unit;

(*c*) every agreement of purchase and sale of a unit included in the property includes a statement that the unit to be included in the lease is or will be leased and specifies the uses that are or will be permitted by the lease; or

(*d*) written notice of the lessor's intention to lease the unit has been given to every purchaser under an agreement of purchase and sale, registered owner and mortgagee and chargee entitled to vote, and the period referred to in subsection 2 has expired or, where an application is made under subsection 2, it is finally disposed of.

(2) Any person notified under clause *d* of subsection 1 may, within twenty-one days after receiving the notice, and on written notice to the declarant, apply to a judge Application to court

of a county or district court, and the judge, if he is of the opinion that the declarant has not taken all reasonable steps to sell the unit, may by order prohibit the declarant from leasing the unit or grant such other relief as he considers proper.

Contents of notice

(3) The notice mentioned in clause *d* of subsection 1 shall specify the unit or units intended to be leased and the uses that will be permitted by the lease but need not set out any other terms or identify any proposed lessee.

Terms of leases

(4) A declarant or proposed declarant may grant leases of a unit or proposed unit for residential purposes for a period in each case not exceeding two years, including renewals, provided that subsection 1 is complied with in respect of each lease.

Exemption

(5) This section does not apply to the renewal of a lease of a unit or proposed unit entered into before any agreement of purchase and sale of any unit or proposed unit included in the property is entered into.

Lease, defined

(6) In this section, "lease" includes a license to use or occupy and any agreement in the nature of a lease.

Offences

24*e*. Every person who knowingly contravenes section 11*a*, subsection 1 or 4 of section 15*b*, or subsection 1 of section 24*c*, or knowingly purports to enter into a lease in contravention of subsection 1 or 4 of section 24*d*, is guilty of an offence and on summary conviction is liable to a fine of,

(*a*) not more than $25,000, where the person is a corporation; or

(*b*) not more than $2,000, where the person is other than a corporation.

s. 25 (1) (*k*), re-enacted

17. Clause *k* of subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

(*k*) governing funds intended for the payment of common expenses;

(*l*) requiring and governing the books, accounts and records that shall be kept by condominium corporations and requiring and governing the accounting to members of condominium corporations in such manner and at such times as are prescribed;

(*m*) exempting any class of person from this Act or the regulations or any provision thereof;

(*n*) prescribing security for the purposes of clause *b* of subsection 1 of section 24*c*;

(*o*) prescribing rates of interest that shall be paid on moneys required to be held in trust under this Act.

18. The said Act is further amended by adding thereto the following section: s. 26, enacted

LEASEHOLD CONDOMINIUMS

Registration of leasehold condominium

26.—(1) A person who is the lessee of land owned by and leased from the Crown or any agency of the Crown designated in the regulations for a term of not less than ninety-nine years may, with the consent of the Crown or the agency, register a declaration and description.

Registration by Crown

(2) The Crown or agency may enter into a lease of land with itself for the purposes of this section, in which case the lease shall not merge in the fee by operation of law.

Application of Act

(3) Upon the registration of a declaration and description under this section, the land and the interests appurtenant to the land described in the description are governed by this Act which, subject to subsection 6, applies *mutatis mutandis* thereto.

Assignments of units

(4) The lessee from the Crown or agency who registers a declaration and description under this section may assign or transfer the leasehold estate in respect of each unit designated in the description and for the purposes of this Act he shall be deemed to be the declarant and the assignee shall be deemed to be the owner of the unit.

Application of R.S.O. 1970, c. 236

(5) Part IV of *The Landlord and Tenant Act* does not apply in respect of leases or assignments or transfers thereof that are subject to this section.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

(*a*) designating provisions of this Act that do not apply to properties in respect of which this section applies;

(*b*) making such modifications to the application of the provisions of this Act, other than this section, that apply to properties under this section as are considered necessary to adapt their application *mutatis mutandis* to leasehold condominium projects;

(*c*) providing for such matters as are considered necessary for the purpose of effecting condominium projects in respect of leasehold land that are equivalent to those provided for by this Act in respect of freehold land;

(*d*) designating agencies of the Crown for the purpose of subsection 1.

Commencement

19.—(1) This Act, except sections 10, 15 and 18, comes into force on the 1st day of April, 1975.

Idem

(2) Sections 10, 15 and 18 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

20. This Act may be cited as *The Condominium Amendment Act, 1974*.

CHAPTER 134

An Act to establish the Ontario Land Corporation

Assented to February 14th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

Interpretation

1. In this Act,

(*a*) "Board" means the Board of Directors of the Corporation;

(*b*) "Corporation" means the Ontario Land Corporation;

(*c*) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;

(*d*) "Treasurer of Ontario" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

Application of R.S.O. 1970, cc. 89, 254, 278

2. Except as herein otherwise provided, *The Corporations Act*, *The Loan and Trust Corporations Act* and *The Mortgage Brokers Act* do not apply to the Corporation.

INCORPORATION

Incorporation

3. There is hereby established a corporation without share capital under the name of "Ontario Land Corporation".

BOARD OF DIRECTORS

Board of Directors

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than six and not more than twelve members who shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding three years.

Chairman

(2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

Reappointment

(3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

Remuneration

(4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

Seat in Assembly not vacated R.S.O. 1970, c. 240

(5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

Removal from office

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

CONFLICT

Disclosure by director of interest in contracts

R.S.O. 1970, c. 100

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transaction be counted in the quorum.

Interest to be material

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest and the contract or transaction are both material.

When declaration of interest to be made

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered, or if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested, or if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested, or if a contract or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors, at the first meeting of the directors held after the director becomes aware of it.

Effect of declaration

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

General notice

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or proposed contract with the Corporation is a sufficient declaration of interest in relation to any contracts so made.

OATH OF OFFICE AND SECRECY

Oath of office and secrecy

6. Every director, officer or employee of the Corporation and every agent and adviser whose services are engaged by the Corporation shall before entering upon his duties take, before a commissioner of oaths, the following oath or affirmation:

I .....

do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The Ontario Land Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the Ontario Land Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Chairman to preside

7.—(1) The chairman shall preside at all meetings of the Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman.

Quorum

(2) A majority of the directors constitutes a quorum for the transaction of business at meetings of the Board.

By-laws

(3) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

By-laws and resolutions

8. Any by-law or resolution consented to by the signatures of all of the directors is as valid and effective as if it had been passed at a meeting of the Board held for that purpose.

Management

9. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the acquisition, use and development of land, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers.

Matters not to be asserted by Corporation

10. The Corporation may not assert against a person dealing with the Corporation or with any person who has acquired rights from the Corporation that,

(*a*) the provisions of this Act have not been complied with;

(*b*) a direction referred to in section 9 has not been complied with;

(*c*) a person held out by the Corporation as a director, an officer or an agent of the Corporation has not been duly appointed or has no authority to exercise the powers and perform the duties that are customary in the business of the Corporation or usual for such director, officer or agent; or

(*d*) a document issued by any director, officer or agent of the Corporation with actual or usual authority to issue the document is not valid or not genuine,

except where the person has or ought to have by virtue of his position with or relationship to the Corporation knowledge to the contrary.

Indemnification of officers and directors

11. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

Executive committee

12.—(1) The Board shall elect from amongst their number an executive committee consisting of not fewer than three directors, one of whom shall be the chairman of the Board, and may delegate to the executive committee any powers of the Board subject to any restrictions which may be imposed by the Board.

Quorum of executive committee

(2) A majority of the number of members of the executive committee, or such greater number as the Board by by-law prescribes, constitutes a quorum.

OBJECTS AND POWERS OF THE CORPORATION

Objects and powers of the Corporation

13.—(1) The objects of the Corporation are to assist in the promotion of community and industrial development of land in Ontario by the acquisition of land and the disposal of it to persons in the private and government sectors for residential, community, industrial, governmental and commercial development and, without limiting the generality thereof, in the carrying out of those objects the Corporation has power to,

(*a*) purchase, lease, take in exchange or otherwise acquire lands or interests therein, together with any buildings or structures on the lands;

(*b*) sell, lease, exchange, mortgage or otherwise dispose of the whole or any portion of the lands and all or any of the buildings or structures that are

then or may after be erected upon the lands and to take such payment or security therefor as may be necessary or desirable;

(*c*) lend and invest money on security of real estate and to sell, mortgage, or otherwise dispose of mortgages;

(*d*) subscribe for, purchase, invest in, sell, assign or otherwise deal in shares, stocks, bonds, debentures, notes and other securities of any government or municipal corporation, or of any corporation whose objects include the buying and selling of land; and

(*e*) do anything that, in the opinion of the Board, can be done advantageously by the Corporation in connection with or ancillary to the carrying out of the objects of the Corporation set out in clauses *a*, *b*, *c* and *d*.

Limitation on investments

R.S.O. 1970, c. 100

(2) The Corporation shall not invest in any of the securities mentioned in clause *d* of subsection 1 of a corporation that is a Crown agency within the meaning of *The Crown Agency Act* unless the board of directors of such corporation includes at least one person who is also a member of the Board.

Incidental powers

R.S.O. 1970, c. 89

14. The Corporation possesses as incidental and ancillary to its objects those powers contained in subsection 1 of section 24 of *The Corporations Act* except clauses *c*, *j*, *q*, *r* and *t* of that subsection.

Expropriation

R.S.O. 1970, c. 154

15. Subject to *The Expropriations Act*, the Corporation, for and in its own name, may, without the consent of the owner thereof, enter upon, take and expropriate any land or interest therein that it considers necessary for its use or purposes.

Use of services and facilities of ministries, etc.

16.—(1) In exercising its powers under this Act, the Corporation shall, where appropriate, make use of the services and facilities of any ministry, board, commission or agency of the Government of Ontario.

Staff

R.S.O. 1970, c. 386

(2) The Corporation may engage persons under contract or otherwise or obtain the appointment under *The Public Service Act* of such persons as are considered necessary from time to time for the proper conduct of the affairs of the Corporation.

HEAD OFFICE AND CORPORATE SEAL

17. The Corporation shall have a head office at such place within Ontario as the Lieutenant Governor in Council shall, from time to time, designate. Head office

18. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Board. Seal

FISCAL YEAR

19. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year. Fiscal year

LOANS AND ADVANCES

20.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may borrow from time to time such sums of money as it may consider requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest and premium, if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Corporation may determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Corporation may determine at the time of issue thereof. General borrowing powers

(2) Where, pursuant to subsection 1, the Board, with the approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than five years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Board without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than Idem

five years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Board, in its discretion, may from time to time determine.

Purposes of Corporation

(3) The purposes of the Corporation, mentioned in subsection 1, without limiting the generality thereof, include,

(*a*) repayment on account of the advances by the Province of Ontario to the Corporation;

(*b*) payment in whole or in part of any notes, bonds, debentures or other securities of the Corporation issued and delivered to the Treasurer of Ontario in respect of any advances from the Province of Ontario to the Corporation;

(*c*) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Corporation under this or any other Act;

(*d*) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Corporation;

(*e*) payment of the whole or any part of any other liability or indebtedness of the Corporation; and

(*f*) carrying out any of the objects and powers of the Corporation referred to in section 13.

Resolution conclusive

(4) Where a resolution of the Board authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Corporation, the recital or declaration is conclusive evidence of the facts stated therein.

Corporation may sell or pledge

(5) The Corporation may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it considers advisable, and either at the face amount thereof or at less or more than the face amount thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

Reissue of securities

(6) Any such securities dealt with as collateral security when redelivered to the Corporation or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Corporation again becomes entitled to such securities, may be treated by the Corporation as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Board considers advisable, or at its option, may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences and upon such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

Corporation may pledge securities

(7) The Corporation on such terms and conditions as it considers advisable may charge, pledge, hypothecate, deposit or otherwise deal with, as collateral security, any notes, bonds, debentures or other securities purchased by it under section 13.

Form and execution of securities

(8) The notes, bonds, debentures and other securities of the Corporation shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Board may determine.

Reproduction of seal and signatures

(9) The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction of seal and signatures

(10) The seal of the Corporation when so mechanically reproduced has the same force and effect as if manually affixed and such mechanically reproduced signatures are for all purposes valid and binding upon the Corporation notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue.

Authority to loan money to the Corporation

21.—(1) The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Corporation and may acquire and hold as evidence thereof bonds, debentures, notes or other evidences of indebtedness of the Corporation.

Moneys

(2) Notwithstanding the provisions of section 30, the moneys required for the purposes of subsection 1 shall be paid out of the Consolidated Revenue Fund.

Government authorized to raise funds for purposes of Corporation R.S.O. 1970, c. 166

22. The Lieutenant Governor in Council may raise by way of loan in the manner provided by *The Financial Administration Act* such sums as he considers requisite for the purposes of this Act, and the sums so raised may either be advanced to the Corporation or applied by the Treasurer of Ontario in the purchase of notes, bonds, debentures or other securities of the Corporation issued by the Corporation under this Act.

Advances may be made on terms and conditions agreed upon

23. All advances made by the Province of Ontario to the Corporation shall be made on such terms and conditions as are agreed upon between the Corporation and the Treasurer of Ontario, and without limiting the generality of the foregoing, the Corporation, in consideration of any advance, may,

(*a*) issue and deliver to the Treasurer of Ontario notes, bonds, debentures or other securities of the Corporation for the same principal amount, maturing on the same date or dates, bearing interest at the same rate or rates, and payable as to both principal and interest in the same currency or currencies as the debentures or other securities of the Province of Ontario issued for the purpose of raising the money advanced by the Province of Ontario to the Corporation, and containing such other terms and conditions, if any, as to redemption in advance of maturity or otherwise as the Treasurer of Ontario approves; and

(*b*) agree to reimburse the Province of Ontario for all charges and expenses incurred or to be incurred by the Province of Ontario in connection with the creation and issue of such debentures or other securities of the Province of Ontario and the payment from time to time of the interest thereon and the principal thereof whether at maturity or on redemption before maturity and of the amount of the premium, if any, on the redemption, and such other charges and expenses as the Province of Ontario incurs.

Temporary loans

24.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time for any of the purposes of the Corporation, borrow by way of temporary loan from any chartered bank to which the *Bank Act* (Canada) applies, from any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business or from any person such sums as the Corporation considered requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

R.S.C. 1970, c. B-1

Security for temporary loans

(2) For the purposes of subsection 1, the Corporation may pledge as security, notes, bonds, debentures or other securities of the Corporation pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Corporation, or otherwise give such security as the Corporation determines, and any cheques, promissory notes or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Corporation determines.

Payment over to Corporation of moneys appropriated

25. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation and the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

R.S.O. 1970, c. 166

GENERAL

Corporation securities authorized investments

26. The notes, bonds, debentures and other securities issued by the Corporation are authorized investments for the funds of a corporation to which *The Loan and Trust Corporations Act* or *The Insurance Act* apply and are authorized investments under *The Pension Benefits Act* and *The Trustee Act*.

R.S.O. 1970, cc. 254, 224, 342, 470

Management of funds

27.—(1) The Corporation may from time to time, for the sound and efficient management of its funds, in its discretion and on such terms and conditions as it may consider advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities:

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.

2. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c*, *e*, *f*, *g*, *i* and *k* of subsection 1 of section 383 of *The Insurance Act* and in which joint stock insurance companies may invest their funds.

R.S.O. 1970, c. 224

3. The deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, or by any other bank which is supervised or examined by the central bank or other governmental authority having supervision over banks in the jurisdiction in which the bank carries on business.

R.S.C. 1970, c. B-1

4. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1970, c. 254

Deposit of funds

(2) The Corporation may deposit from time to time any part of its funds in any chartered bank to which the *Bank Act* (Canada) applies or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* or with the Province of Ontario Savings Office, upon such terms and conditions and for such periods as the Corporation may consider expedient.

ANNUAL REPORT

Annual report

28.—(1) The Corporation shall, after the close of each fiscal year, deliver to the Minister an annual report upon the affairs of the Corporation signed by the chairman and one other director of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Additional reports

(2) In addition to making an annual report under subsection 1, the Corporation shall make to the Minister such other report on its affairs as the Minister from time to time may require.

AUDIT OF ACCOUNTS

Audit of accounts

29.—(1) The accounts and financial transactions of the Corporation shall be audited annually by an auditor or firm of auditors appointed by the Corporation and such auditor

or firm of auditors, so appointed, shall be under the direction of and report to the Provincial Auditor.

Report

(2) A report on the audit shall be made by the Provincial Auditor to the Corporation and to the Minister.

Expenses of audits

(3) The expenses of such audits shall be fixed by the Corporation, with the approval of the Lieutenant Governor in Council, and are payable by the Corporation as part of the costs of administration of the Corporation.

Audit to form part of annual report

(4) The audited accounts of the Corporation shall form part of the annual report of the Corporation.

Moneys

30. The moneys required for the purpose of defraying the operating expenses of the Corporation shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Commencement

31. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

32. This Act may be cited as *The Ontario Land Corporation Act, 1974*.

CHAPTER 135

An Act to amend The Crown Employees Collective Bargaining Act, 1972

Assented to February 14th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 1 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, is repealed. s. 1 (1) (*a*), repealed

(2) Subclauses v and viii of clause *g* of subsection 1 of the said section 1 are repealed and the following substituted therefor: s. 1 (1) (*g*) (v, viii), re-enacted

(v) a student employed during the student's regular vacation period or on a co-operative educational training program or a person not ordinarily required to work more than one-third of the normal period for persons performing similar work except where the person works on a regular and continuing basis,

. . . . .

(viii) a person employed in the office of the Provincial Auditor.

(3) Clause *g* of subsection 1 of the said section 1 is amended by striking out "or" at the end of subclause vii, by adding "or" at the end of subclause viii and by adding thereto the following subclause: s. 1 (1) (*g*), amended

(ix) a person employed by or under the Tribunal or the Grievance Settlement Board.

s. 1 (1) (*o*), repealed

(4) Clause *o* of subsection 1 of the said section 1 is repealed.

s. 4*a*, enacted

2. The said Act is amended by adding thereto the following section:

Pre-hearing vote

4*a*.—(1) Upon an application for representation rights, the employee organization may request that a pre-hearing representation vote be taken.

Voting constituency

(2) Upon such a request being made, the Tribunal may, subject to subsection 2 of section 3, determine a voting constituency and, if it appears to the Tribunal on an examination of the records of the employee organization and the records of the employer that not less than 35 per cent of the employees in the voting constituency are members of the employee organization at the time the application was made, the Tribunal may direct that a representation vote be taken among the employees in the voting constituency.

Sealing of ballot boxes

(3) The Tribunal shall direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions.

Effect of vote

(4) After a representation vote has been taken under subsection 2, the Tribunal shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35 per cent of the employees in the bargaining unit are members of the employee organization at the time the application was made, the representation vote taken under subsection 2 shall be deemed to be a representation vote taken under subsection 2 of section 4.

s. 6, re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Bargaining authority

6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vaca-

tions, group life insurance, health insurance and long-term income protection insurance, promotions, demotions, transfers, lay-offs or reappointments of employees, the procedures applicable to the processing of grievances, the classification and job evaluation system, and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

4. Sections 8 and 9 of the said Act are repealed and the following substituted therefor: ss. 8, 9, re-enacted

Mediation

8.—(1) Where notice has been given under section 7 or 20, following consultation with the parties, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, prescribe such mediation procedure as the Tribunal decides will be most effective to realize a collective agreement.

Appointment

(2) In the exercise of its power under subsection 1, the Tribunal may appoint such person or persons as it may determine to be appropriate in order to give effect to the procedure prescribed by the Tribunal.

When matters may be determined by arbitration board

9. If a collective agreement is not realized pursuant to the procedure prescribed by the Tribunal within thirty days after the appointment of the person or persons under subsection 2 of section 8, or such longer period as the Tribunal may direct or the parties may agree upon, or if the Tribunal decides that the establishment of such procedure will not be effective, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by a board of arbitration in accordance with this Act.

5. Subsections 1 to 8 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (1-7), re-enacted; s. 10 (8), repealed

Appointment of members of board by parties

(1) Upon written notification by the Tribunal, each of the parties shall, within ten days of the notification, appoint to a board of arbitration a member who has indicated his willingness to act and shall each notify in writing the other party and the Tribunal of the name and address of the member so appointed.

Appointment by Tribunal upon failure of party to appoint representative

(2) Where a party fails to appoint a member of a board within the period of ten days mentioned in subsection 1, the Tribunal shall appoint as a member such person as the Tribunal considers suitable.

Appointment of chairman

(3) The two members so appointed shall, within five days after the appointment of the second of them, appoint a third person to act as chairman of the board of arbitration

and shall notify the Tribunal of the name and address of the chairman, and where no chairman is agreed upon within such time, the members or either of them, shall notify the Tribunal which shall appoint the chairman.

Disqualification

(4) No person shall be appointed a member of a board who has any direct pecuniary interest in the matters coming before it or who is acting or has, within a period of six months immediately preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Vacancy

(5) Where a member appointed under subsection 1 or 2 ceases to act by reason of resignation, death or otherwise before the board has completed its work, the party whose point of view the member represented shall, within ten days of the member so ceasing to act, appoint a replacement and notify in writing the other party and the Tribunal of the name and address of the replacement, and where the party fails to so appoint a replacement or to notify the Tribunal, the Tribunal shall appoint as a replacement such person as the Tribunal considers suitable and the board of arbitration shall continue to function as if the replacement member were a member of the board from the beginning.

Chairman unable to act

(6) Where the chairman of a board is unable to enter on or to carry on his duties so as to enable the board to render a decision within a reasonable time after its establishment, the Tribunal shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*.

Remuneration

(7) The chairman and the members of a board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

Continuance of board established under 1972, c. 67

6. Where a board of arbitration established under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, has not completed its duties under that Act before the coming into force of this Act, the board of arbitration shall continue to exercise its powers and duties under that Act and the provisions of this Act, other than this section, shall not apply in respect of the Board.

s. 11 (2) (*c*), re-enacted

7. Clause *c* of subsection 2 of section 11 of the said Act is repealed and the following substituted therefor:

(*c*) the desirability to maintain appropriate relationships in the conditions of employment as between classifications of employees; and

. . . . . .

s. 16 (2), re-enacted

8. Subsection 2 of section 16 of the said Act is repealed and the following substituted therefor:

(2) If the parties fail to agree on the term of a collective agreement, the board shall determine its term of operation. Where board to determine term of agreement

9. Sections 17 and 18 of the said Act are repealed and the following substituted therefor: ss. 17, 18, re-enacted

17.—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine, Functions of employer

(*a*) employment, appointment, complement, organization, assignment, discipline, dismissal, suspension, work methods and procedures, kinds and locations of equipment and classification of positions; and

(*b*) merit system, training and development, appraisal and superannuation, the governing principles of which are subject to review by the employer with the bargaining agent,

and such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming, Grievances

(*a*) that his position has been improperly classified;

(*b*) that he has been appraised contrary to the governing principles and standards; or

(*c*) that he has been disciplined or dismissed or suspended from his employment without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedure for final determination applicable under section 18.

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Grievance Settlement Board and the Board after giving full opportunity to the parties to present their evidence and to make their submissions, shall Arbitration of disputes under agreement

decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Grievance Settlement Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty where employee disciplined, etc.

(3) Where the Grievance Settlement Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforcement of arbitration decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Grievance Settlement Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Composition of Grievance Settlement Board

18*a*.—(1) There shall be a Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing the employees that are represented by a bargaining agent and members representing the employer.

Appointment of chairman and vice-chairman

(2) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

Appointment of members

(3) The members who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

Sittings of Grievance Settlement Board

(4) The Grievance Settlement Board may sit in two or more panels as decided and assigned by the chairman so long as a quorum is present in each panel.

Quorum

(5) The chairman or a vice-chairman, one member representative of employee interest and one member representative of employer interest constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Grievance Settlement Board.

Decision

(6) The decision of a majority of the members present and constituting a quorum is the decision of the Grievance Settlement Board, and, if there is no majority, the decision of the chairman or vice-chairman governs.

Completion of member's duties

(7) Where a member of the Grievance Settlement Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Grievance Settlement Board.

Procedure

(8) The Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Grievance Settlement Board may, subject to the approval of the Lieutenant Governor in Council, make regulations governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

Appointment of Grievance Settlement Board's officers

(9) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Grievance Settlement Board and they shall exercise such powers and perform such duties as are conferred upon them by the Grievance Settlement Board.

Remuneration

(10) The chairman, the vice-chairman or vice-chairmen and the members, the officers and staff of the Grievance Settlement Board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

Official seal

(11) The Grievance Settlement Board shall have an official seal.

Grievance Settlement Board's office and meetings

(12) The office of the Grievance Settlement Board shall be in the City of Toronto, but the Grievance Settlement Board may sit at such other places as it considers expedient.

Continuance of procedure under R.S.O. 1970, c. 386

10.—(1) Where any procedure has been commenced to process any matter referred to in subsection 2 of section 17 of *The*

Crown Employees Collective Bargaining Act, 1972, being chapter 67, in accordance with the procedures under *The Public Service Act* and the procedure is not completed before the coming into force of this Act, the procedures under *The Public Service Act* shall continue to apply in respect of the matter and the provisions of this Act, other than this section, shall not apply in respect of the matter.

Continuance of matter before Public Service Grievance Board

(2) Where the Public Service Grievance Board has not completed its duties in respect of any matter under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, before the coming into force of this Act, the Public Service Grievance Board shall continue to exercise its powers and duties under that Act in respect of the matter and the provisions of this Act, other than this section, shall not apply in respect of the Board and the matter.

s. 20, amended

11. Section 20 of the said Act is amended by adding thereto the following subsection:

Obligation to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to renew the collective agreement.

s. 24, re-enacted

12. Section 24 of the said Act is repealed and the following substituted therefor:

Persuasion at place of work

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization except as the employer and a bargaining agent may otherwise agree.

s. 36, re-enacted

13. Section 36 of the said Act is repealed and the following substituted therefor:

Tribunal established

36.—(1) There is hereby established a tribunal to be known as the Ontario Public Service Labour Relations Tribunal.

Composition of Tribunal

(2) The Tribunal shall be composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing employees and members representing the employer.

Appointment of chairman and vice-chairmen

(3) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years

each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

Appointment of members

(4) The members of the Tribunal who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

Alternate chairman

(5) The Lieutenant Governor in Council shall designate one of the vice-chairmen as the alternate chairman.

Assignment of members

(6) The chairman or, in the case of his absence from the office of the Tribunal or his inability to act, the alternate chairman shall from time to time assign the members of the Tribunal to its various divisions and may change any such assignment at any time.

Vacancy

(7) Vacancies in the membership of the Tribunal from any cause may be filled by the Lieutenant Governor in Council after requesting and considering the views, if any, of representatives of each bargaining agent.

Completion of duties

(8) Where the chairman, a vice-chairman or a member of the Tribunal resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not resigned in connection with any matter in respect of which there was any proceeding in which he participated as the chairman, a vice-chairman or a member of the Tribunal.

Oath

(9) The chairman, each vice-chairman and each member of the Tribunal shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in the office of the Clerk an oath of office in the following form:

> I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of chairman, (or vice-chairman, or member) of the Ontario Public Service Labour Relations Tribunal and I will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Tribunal. So help me God.

Quorum

(10) The chairman or a vice-chairman, one member representative of the employer and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Tribunal.

Sittings

(11) The Tribunal may sit in two or more divisions as decided and assigned by the chairman so long as a quorum is present in each division.

Decision

(12) A decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.

Procedure

(13) The Tribunal shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

Appointment of officers

(14) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Tribunal and they shall exercise such powers and perform such duties as are conferred or imposed upon them by the Tribunal.

Remuneration

(15) The chairman, vice-chairman or vice-chairmen and the members, officers and staff of the Tribunal shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

Official seal

(16) The Tribunal shall have an official seal.

Office and sittings

(17) The office of the Tribunal shall be in the City of Toronto, but the Tribunal may sit at such other places as it considers expedient.

Hearing under 1972, c. 67

14. Where the Ontario Public Service Labour Relations Tribunal, established under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, proposed to hold or commenced but did not complete a matter or did not make a decision or declaration thereon, immediately before this section comes into force, the matter shall be continued by the Tribunal and the Tribunal shall continue and complete the matter and make a decision or declaration thereon that shall be effective for all purposes under *The Crown Employees Collective Bargaining Act, 1972*.

s. 38, amended

15. Section 38 of the said Act is amended by adding thereto the following subsection:

Question as to bargaining authority

(2) If, in the course of bargaining for a collective agreement or during proceedings before a board of arbitration,

a question arises as to whether a matter comes within the scope of collective bargaining under this Act, either party or the board of arbitration may refer the question to the Tribunal and its decision thereon is final and binding for all purposes.

16. Clauses *c* and *d* of subsection 1 of section 39 of the said Act are repealed and the following substituted therefor: s. 39 (1) (*c*), re-enacted; s. 39 (1) (*d*), repealed

(*c*) to authorize any persons to do anything that the Tribunal may do under clauses *a* and *b* and to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon.

17. Section 47 of the said Act is repealed and the following substituted therefor: s. 47, re-enacted

Testimony in civil suit

47. No chairman, vice-chairman or member of the Tribunal or of a board or of the Grievance Settlement Board and no person appointed thereby shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

18. Subsection 5 of section 49 of the said Act is repealed and the following substituted therefor: s. 49 (5), re-enacted

Idem

(5) The chairman, vice-chairman or vice-chairmen or any member of the Tribunal or of a board or of the Grievance Settlement Board is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

(*a*) any information or material furnished to or received by him;

(*b*) any evidence or representation submitted to him; or

(*c*) any statement made by him,

in the course of his duties under this Act.

19. The said Act is further amended by adding thereto the following sections: ss. 49*a*-49*c*, enacted

Change of name of bargaining agent

49*a*. Where, upon an application by a bargaining agent for recognition of a change in the name of the bargaining agent, the Tribunal is satisfied that the change has been made in conformity with the charter or constitution of the

employee organization, the Tribunal shall make an affirmative declaration and the bargaining agent shall be conclusively presumed to have retained all rights, privileges, duties and obligations whether under a collective agreement or otherwise, and the employer and the employees concerned shall recognize such status in all respects.

Application for successor bargaining rights

49*b*.—(1) Where an employee organization claims that by reason of a merger or a transfer of jurisdiction it is the successor of a bargaining agent, the employee organization may, notwithstanding the provisions of subsections 2 and 3 of section 2 and subsection 1 of section 19, make application to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees to determine if they are in favour of the employee organization being granted representation rights as the successor bargaining agent for the bargaining unit concerned.

Tribunal inquiry

(2) The Tribunal may make such inquiry, including requiring the production of such evidence and the doing of such things, as it may consider appropriate.

Vote

(3) Following its inquiry under subsection 2, the Tribunal may dismiss the application or direct that a vote be taken of the employees in the bargaining unit to determine whether they favour the employee organization being granted representation rights as the successor bargaining agent.

Declaration of successor rights

(4) Where, on the taking of a vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall declare that the employee organization has acquired representation rights as successor bargaining agent of the employees in the bargaining unit.

Status of successor bargaining agent

(5) Where the Tribunal makes an affirmative declaration under subsection 4, the successor bargaining agent shall for the purposes of this Act be conclusively presumed to have acquired the rights, privileges, duties and obligations of its predecessor whether under a collective agreement or otherwise, and the employer, the successor bargaining agent and the employees concerned shall recognize such status in all respects.

Bargaining rights on merger of units or creation of new unit

49*c*.—(1) Where two or more existing bargaining units are merged either partially or completely, or where employees represented by a bargaining agent are transferred into a bargaining unit represented by another bargaining agent or into a unit of employees for which there is no bargaining agent, the Tribunal, on the application to it by a bargaining

agent affected, may make such inquiry, including requiring the production of such evidence and the doing of such things as it may consider appropriate.

Declaration of successor rights

(2) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that more than 50 per cent of the employees in the merged or enlarged unit of employees are members of a bargaining agent and that application has not been made by another bargaining agent affected and representing 35 per cent or more of the employees, as members, in the merged or enlarged unit of employees, it shall determine that the bargaining agent has acquired or retained, as the case may be, representation rights as the bargaining agent of the employees in the bargaining unit concerned.

Representation vote

(3) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that a bargaining agent represents not less than 35 per cent and not more than 50 per cent, of the employees in the merged or enlarged unit of employees as members, it shall direct that a representation vote be taken.

Notice to bargain

(4) Where an employee organization is declared to be the bargaining agent under subsection 3 and it is not already bound by a collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 7.

Successor bound by existing agreement

(5) Where the employee organization is declared to retain representation rights by the Tribunal it shall continue to be bound by the collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent.

Employer not required to bargain pending Tribunal decision

(6) Where an application is made under this section, notwithstanding that a notice has been given by an employee organization, the employer is not required to bargain with that employee organization concerning the employees to whom the application relates until the Tribunal has disposed of the application and has declared which employee organization, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Bargaining rights of successor bargaining agent

(7) A declaration made by the Tribunal under subsection 3 has the same effect as the granting of representation rights under subsection 2 of section 4, except as provided in subsection 5 of this section.

s. 51 (*c*), repealed

20. Clause *c* of section 51 of the said Act is repealed.

Commencement

21. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

22. This Act may be cited as *The Crown Employees Collective Bargaining Amendment Act, 1974*.

CHAPTER 136

An Act to amend The Municipal Act

Assented to February 14th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 11 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "or a township". s. 11 (1), amended

(2) Subsection 2 of the said section 11 is repealed. s. 11 (2), repealed

2. Section 18 of the said Act is amended by inserting after "*1941*" in the ninth line "and by-laws passed under section 35*b* of *The Planning Act*". s. 18, amended

3. The said Act is amended by adding thereto the following section: s. 248*a*, enacted

248*a*. Notwithstanding any special provision in this Act, the council of every municipality may, subject to section 248, make grants to any person, institution, association, group or body of any kind, including a fund, within or outside the boundaries of the municipality for any purpose that, in the opinion of the council, is in the interests of the municipality. General power to make grants

4. The said Act is further amended by adding thereto the following sections: ss. 256*a*, 256*b*, enacted

256*a*.—(1) In this section and in section 256*b*, "municipality" means a town, not being a separated town, a village, or a township in a county. Interpretation

(2) Where, under this or any other general Act, a municipality is authorized or required to provide moneys for any purposes, and it is necessary to raise such moneys by the issue of debentures, the council of the municipality may by Request to county to issue debentures

resolution request the council of the county in which it is situate to raise such moneys by the issue of debentures of the county.

County may issue debentures

(3) The council of the county shall consider the request at its next meeting following the receipt thereof, and if it approves the request, the council of the county may, without the assent of the electors, issue the debentures.

Proceeds

(4) Where, pursuant to subsection 3, a county has raised moneys for the purposes of a municipality by the issue and sale of debentures, by the hypothecation of debentures, or by temporary borrowings pending the issue and sale of debentures, the county shall pay over such moneys to the municipality from time to time as the municipality requires.

Special rate

(5) Where, pursuant to subsection 3, a county issues debentures, the council of the municipality on whose behalf the debentures are issued shall provide and raise by a special rate on all the rateable property in the municipality, in each year of the currency of the debentures, a sum sufficient to pay the principal and interest falling due in such year upon such debentures, and such sum shall be paid to the treasurer of the county that issued the debentures before the day such principal or interest becomes due.

Assent of electors

256*b*.—(1) Where, under any general or special Act, a municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the council of the county shall not pass a by-law authorizing the issue of debentures on behalf of such municipality for such purpose unless such assent or concurrence to the passing of the by-law by the council of the county has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

R.S.O. 1970, c. 323

s. 291 (1), amended

5.—(1) Subsection 1 of section 291 of the said Act is amended by striking out "and subject to the approval of the Ministry" in the first and second lines.

s. 291 (3), amended

(2) Subsection 3 of the said section 291 is amended by striking out "under the terms of an agreement approved by the Ministry" in the second and third lines.

s. 291 (5) (*e*), amended

(3) Clause *e* of subsection 5 of the said section 291 is amended by striking out "with the approval of the Ministry" in the first line.

6. Subsection 3 of section 292 of the said Act is repealed and the following substituted therefor: s. 292 (3), re-enacted

(3) Every money by-law passed under this section shall provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. Premium to be set aside in reserve fund

7.—(1) Subsection 2 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by inserting after "institution" in the fourth line "or training school" and by inserting after "institution" in the sixth line and in the eighth line "or school". s. 304 (2), amended

(2) The said section 304 is amended by adding thereto the following subsections: s. 304 amended

(3*a*) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a facility under *The Developmental Services Act, 1974*, designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount, payable on or after the 1st day of July upon such facility, not exceeding the sum of $50 a year for each provincially rated bed as determined by the Minister of Community and Social Services. Annual levy on facilities for the mentally retarded 1974, c. 2

(3*b*) For the purposes of subsection 3*a*, the designation by the Lieutenant Governor in Council and the determination by the Minister of Community and Social Services mentioned in that subsection, made in 1975, shall apply in respect of 1974 and a levy may be made in 1975 in respect of both 1974 and 1975 upon such designated facilities. Application

(3) Subsections 5 and 6 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, are repealed and the following substituted therefor: s. 304 (5, 6), re-enacted

(5) A municipality in which an institution designated pursuant to subsection 2, 3 or 3*a* is situate may enter into an agreement with one or more municipalities for the providing of municipal service or services to such institution. Agreement for municipal services authorized

(6) The Minister may direct a municipality in which an institution designated pursuant to subsection 2, 3 or 3*a* is Minister may direct agreement be entered into

situate to enter into an agreement with another municipality for the providing of any municipal service or services to such institution on such terms as the Minister may stipulate.

s. 304 (8), amended

(4) Subsection 8 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "to a hospital or correctional institution" in the fourth and fifth lines and inserting in lieu thereof "to institutions designated pursuant to subsection 2, 3 or 3*a*".

s. 304 (9), re-enacted

(5) Subsection 9 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is repealed and the following substituted therefor:

Equalized assessment of municipality deemed increased

(9) The equalized assessment of a municipality that levies under this section shall be deemed for apportionment purposes other than for school purposes, county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year, by the total equalized commercial and industrial assessment for the preceding year, times 1,000.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

(9*a*) In determining the taxes levied on commercial and industrial assessment under subsection 9, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304 (12), amended

(6) Subsection 12 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "residential and farm property" in the sixth line and in the eighth line and inserting in lieu thereof in each instance "commercial and industrial assessment".

s. 304, amended

(7) The said section 304, as amended by the Statutes of Ontario, 1971, chapter 81, section 1 and 1973, chapter 83, section 4, is further amended by adding thereto the following subsection:

Where municipal boundaries adjusted, etc.

(12*a*) For the purposes of subsection 12, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year.

8.—(1) Section 304*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6 and amended by 1973, chapter 83, section 5, is further amended by adding thereto the following subsections: s. 304*a*, amended

(3*a*) In addition to the statement to be submitted under subsection 1, every telephone company that is entitled to receipts from another telephone company under a traffic agreement for any year ending the 31st day of December shall, on or before the 1st day of March of the following year, transmit to the clerk of each local municipality to which any portion of such receipts is attributable, a statement in writing, setting out the amount of such receipts attributable to that local municipality. Receipts from traffic agreement

(3*b*) For the purpose of enabling a company to arrive at the amount of receipts attributable to a local municipality under subsection 3*a*, each telephone company which makes payment to another telephone company under the terms of a traffic agreement shall compile a return in writing showing the name of each local municipality in Ontario in which it operates, the number of telephones connected to its system in each such municipality, and the total number of telephones connected to its system in all such municipalities as at the last preceding 31st day of December and shall on or before the 14th day of February in the following year transmit the return to the company to which it has made such payment and a copy of the said return to the clerk of each municipality cited in the return. Returns

(3*c*) Each telephone company receiving a return from another telephone company under subsection 3*b* shall attribute the receipts acquired during the next preceding year ending the 31st day of December under its traffic agreement with such other company to each local municipality specified in the return in the ratio that the number of telephones shown on the return for each such municipality bears to the total number of telephones shown on the return and the amount so attributed shall be the amount referred to in subsection 3*a*. Manner of attributing receipts

(3*d*) A traffic agreement between two telephone companies, each of which connects to more than one other telephone company in Ontario for the purpose of toll traffic, shall be deemed not to be a traffic agreement for the purposes of subsections 3*a*, 3*b* and 3*c*. Proviso

(3*e*) The Lieutenant Governor in Council may make regulations prescribing the items to be included or excluded in calculating and ascertaining receipts under a traffic agreement for the purposes of subsections 3*a* and 3*c* and a regulation made under this subsection shall, if it so provides, be effective with reference to a period before it was filed. Regulations

. . . . . .

Rate of tax

(4*a*) In 1975 and each year thereafter, the council of each local municipality shall, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, levy on each company from which a statement is received under subsection 3*a* an annual tax of an amount equal to 5 per cent of the total of the traffic agreement receipts of such company as shown on the statement.

R.S.O. 1970, c. 405

s. 304*a* (5), amended

(2) Subsection 5 of the said section 304*a*, as enacted by the Statutes of Ontario, 1973, chapter 83, section 5, is amended by striking out "4 per cent in 1974 and 5 per cent in 1975 and each year thereafter" in the fourth and fifth lines and inserting in lieu thereof "and 4 per cent in 1974".

s. 304*a*, amended

(3) The said section 304*a* is further amended by adding thereto the following subsection:

Idem

(5*a*) Notwithstanding subsection 4, where there are less than 4,000 telephones connected to a company's system the annual tax referred to in subsection 4 shall be 4 per cent in 1975 and 1976 and 5 per cent in 1977 and each year thereafter.

s. 304*a* (8), re-enacted

(4) Subsection 8 of the said section 304*a* is repealed and the following substituted therefor:

Equalized assessment of municipality deemed increased

(8) The equalized assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes other than for separate school purposes or county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes on the commercial and industrial assessment of public school supporters, in the preceding year, by the total equalized commercial and industrial assessment of public school supporters for the preceding year, times 1,000.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

(8*a*) In determining the taxes levied on commercial and industrial assessment under subsection 8, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304*a* (10), re-enacted

(5) Subsection 10 of the said section 304*a* is repealed and the following substituted therefor:

Notification of amount of assessment increase

(10) The clerk of every municipality that levies a tax under this section shall, on or before the 15th day of March in each year, transmit to each body for which the muni-

cipality levies a rate, except a separate school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8.

(6) Subsection 11 of the said section 304*a* is amended by striking out "may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4" in the first, second and third lines and inserting in lieu thereof "shall allocate a portion of the tax levied under subsections 4 and 4*a*". s. 304*a* (11), amended

(7) The said section 304*a* is further amended by adding thereto the following subsection: s. 304*a*, amended

(11*a*) For the purposes of subsection 11, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year. Where municipal boundaries adjusted, etc.

9. Subsection 2 of section 307 of the said Act is amended by striking out "other reserves within such limits as to type and amount as the Ministry may approve" in the seventh and eighth lines and inserting in lieu thereof "reserves as the council considers necessary". s. 307 (2), amended

10. Subsection 4 of section 308 of the said Act is amended by striking out "without the approval of the Ministry" in the fourth line and inserting in lieu thereof "without a two-thirds vote of the members of the council". s. 308 (4), amended

11. Subsection 3 of section 309 of the said Act is amended by striking out "with the approval of the Ministry" in the third and fourth lines. s. 309 (3), amended

12. Subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 124, section 8, is repealed and the following substituted therefor: s. 312 (2), re-enacted

(2) Where a municipality has moneys not required immediately by the municipality, such moneys may be, Investment of moneys not immediately required

(*a*) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970, c. 254

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

R.S.C. 1970, c. B-1

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; or

R.S.O. 1970, c. 118

(*b*) advanced to the capital account of the municipality for the purpose of interim financing of capital undertakings of the municipality,

provided that the investments or advances to the capital account become due and payable by the day on which the moneys are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested or advanced.

s. 313, amended

13. Section 313 of the said Act is amended by adding thereto the following subsection:

Idem

(1*a*) Notwithstanding subsection 1 of this section and section 320, where a local municipality having a population of not less than 20,000, as determined under *The Property Tax Stabilization Act, 1973*, has moneys received from the sale of debentures that are not required immediately for the purpose or purposes for which the debentures were issued, such moneys may be invested in the general fund of the municipality, provided that such moneys shall be returned to the debenture account,

1973, c. 73

(*a*) by the day on which the moneys are required for the purpose or purposes for which the debentures were issued; or

(*b*) not later than the 31st day of December of the year in which the moneys were so invested,

whichever the first occurs and interest shall be credited to the debenture account on the amount so invested, at a rate equal to the rate currently applicable to the temporary borrowings of the municipality.

s. 352, pars. 59, 61, 62, 62*a* repealed

14. Paragraphs 59, 61 and 62, and paragraph 62*a* as enacted by the Statutes of Ontario, 1972, chapter 124, section 9, of section 352 of the said Act, are repealed.

s. 354 (1), amended

15.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

Designating fire routes and prohibiting parking thereon

45*a*. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof.

(*a*) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.

(*b*) Subsection 13 of section 116 of *The Highway Traffic Act* applies to a by-law passed under this paragraph. R.S.O. 1970, c. 202

(*c*) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

s. 354 (1), par. 50 (*a*), amended

(2) Clause *a* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "the Ministry, upon the request of the council, approves the use of any such moneys for another purpose" in the ninth, tenth and eleventh lines and inserting in lieu thereof "on the vote of three-fourths of all the members of the council the use of such moneys is directed for another purpose".

s. 354 (1), par. 50 (*c*), amended

(3) Clause *c* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "with the approval of the Ministry" in the sixth line.

s. 354 (1), par. 87, amended

(4) Paragraph 87 of subsection 1 of the said section 354 is amended by adding thereto the following clause:

Application of R.S.O. 1970, c. 32

(*c*) No licence fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

Refund of licence fees R.S.O. 1970, cc. 284, 32

16.—(1) Where in the year 1973 or 1974 licence fees were paid in respect of any trailer pursuant to paragraph 87 of subsection 1 of section 354 of *The Municipal Act* or in respect of any lot occupied by a trailer pursuant to paragraph 15 of section 383 of the said Act, the municipality that collected such licence fees shall, on the application of the owner of the trailer in respect of which such fees were paid, refund to such person all or such portion of the fees as were paid in respect of a period for which the trailer was assessed under *The Assessment Act* and for which taxes have been paid under *The Municipal Act*.

Refund to be deducted from school board requisition

1974, c. 109

(2) Where a municipality has paid a portion of any licence fees refunded under subsection 1 to a public, separate or secondary school board pursuant to section 220 of *The Education Act, 1974*, the municipality shall deduct from the requisition of such school board for the year 1974 or 1975, the portion so paid.

Minister may by order pay moneys

(3) Where a municipality in the year 1974 repealed all or part of a by-law passed under paragraph 87 of subsection 1 of section 354 or under paragraph 15 of section 383 and as a result collected no licence fees in respect of a trailer that was not assessable under *The Assessment Act* and for which taxes were not levied in the year 1974 under *The Municipal Act*, or in respect of a lot occupied by such trailer, the Minister may, by order, pay to such municipality upon application an amount equal to the licence fees that would have been imposed from the time of such repeal up to the 31st day of December, 1974.

Idem

(4) Where a municipality has refunded licence fees collected for the year 1974 in respect of a trailer or a lot referred to in subsection 3, the Minister may, in an order made under subsection 3 provide for payment to such municipality of an amount equal to the licence fees refunded.

Idem

R.S.O. 1970, cc. 284, 32

(5) Where the total of all licence fees imposed by a municipality for the year 1973 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 exceeds the sum of the taxes levied by the municipality on trailers for the year 1974 under *The Municipal Act* and licence fees imposed by the municipality in the year 1974 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 in respect of trailers not assessable under *The Assessment Act*, or in respect of lots occupied by such trailers, including any amounts received by the municipality under subsections 3 and 4, the Minister may, by order, pay to the municipality upon application the amount by which the difference exceeds 2 per cent of the total taxation levied in 1974 by the municipality for all purposes other than school, county or regional purposes, however, such difference may be adjusted accordingly where the total of the trailers and lots subject to taxation or to payment of licence fees in the year 1974 is not equal to the total of such trailers and lots for the year 1973.

Idem

(6) The Minister may, by order, pay in respect of the year 1975 to such municipalities as make application under subsection 5, 50 per cent of the amount paid to such municipalities under subsection 5.

(7) The moneys required for the purposes of subsections 3, 4, 5 and 6 shall be paid out of the Consolidated Revenue Fund. Moneys

17. Section 377 of the said Act is amended by adding thereto the following paragraph: s. 377, amended

1*a*. No by-law passed under paragraph 1 by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

18. Clause *f* of paragraph 1 of subsection 1 of section 381 of the said Act, is amended by striking out "but no licence fee in excess of $2 shall be prescribed in the by-law without the approval of the Ministry" in the sixth, seventh and eighth lines. s. 381 (1), par. 1 (*f*), amended

19. Subclause iii of clause *b* of paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4 and 1972, chapter 124, section 14, is further amended by inserting after "residence" in the amendment of 1971 "or for occupancy by a trailer that is assessed under *The Assessment Act*". s. 383, par. 15 (*b*) iii, amended

20. Paragraph 3 of section 453 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 175, section 6, is repealed and the following substituted therefor: s. 453, par. 3, re-enacted

3. For placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways and sidewalks, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used, for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable, and for providing that, upon the termination of such privilege, the highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by filling in the area or opening or removing said object, or otherwise as may be required in the by-law. Use of highways

(*a*) Payment of such annual or other charge and expense incurred by the municipal corporation in restoring Charge

the highway or sidewalk to its former condition may be enforced in like manner as taxes that are due and payable.

Liability of corporation for damages

(*b*) Subject to section 434, the municipal corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance or use of any such area or opening, or such other object.

s. 507, re-enacted

21. Section 507 of the said Act is repealed and the following substituted therefor:

Interpretation

507.—(1) In this section,

(*a*) "commercial assessment" means,

(i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and

(ii) business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines,

according to the last revised assessment roll;

(*b*) "equalization factor" means the factor as determined by the Minister of Revenue;

(*c*) "equalized commercial assessment" means the total of commercial assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

(*d*) "equalized commercial assessment of the prior year" means the total commercial assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

(*e*) "equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment" means the rate obtained when the total taxes levied on commercial assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized commercial assessment for the prior year;

(*f*) "equalized residential and farm assessment" means the total of residential and farm assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

(*g*) "equalized residential and farm assessment of the prior year" means the total residential and farm assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

(*h*) "equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment" means the rate obtained when the total taxes levied on residential and farm assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized residential and farm assessment of the prior year;

(*i*) "equivalent equalized assessment" means the amount determined by dividing that portion of a payment in lieu of taxes not credited to school purposes by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment and multiplying by 1,000;

(*j*) "payment in lieu of taxes" means a payment allocated, received or entitled to be allocated or received in the immediately preceding year from,

(i) the Crown in right of Canada,

(ii) the Crown in right of Ontario, including payments under,

A. *The Assessment Act*, R.S.O. 1970, c. 32

R.S.O. 1970, c. 213 B. *The Housing Development Act*,

R.S.O. 1970, c. 292 C. *The Municipal Tax Assistance Act*,

R.S.O. 1970, c. 332 D. *The Ontario Water Resources Act*,

R.S.O. 1970, c. 354 E. *The Power Corporation Act*,

1973, c. 73 F. Subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*,

1974, c. 110 G. *The Provincial Parks Municipal Tax Assistance Act, 1974*,

(iii) section 304,

(iv) a telephone or telegraph company under section 304*a*,

(v) any other government, government agency or person where such payment is in lieu of taxes on real property and business assessment;

(*k*) "residential and farm assessment" means the assessment for real property except the assessment for real property in subclauses i and iii of clause *a* according to the last revised assessment roll.

Clerk to provide statement of equalized assessment

(2) The clerk of every township, town and village shall, on or before the 15th day of March in each year, provide in writing to the clerk of the county in which the municipality is located, a statement of the equalized assessment of the municipality.

Interpretation

(3) For the purposes of subsection 2, the equalized assessment for the year of a municipality shall be the sum of,

(*a*) the equivalent equalized assessment; and

(*b*) the equalized residential and farm assessment times the quotient obtained when the equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment is divided by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment; and

(*c*) the equalized commercial assessment.

County councils to apportion sums required for county purposes

(4) The council of every county shall, in each year, on or before the 1st day of April, by by-law, determine the

percentage share that each municipality within the county shall contribute for county purposes in the year, according to the proportion that the equalized assessment of each municipality bears to the total of the equalized assessments of all the municipalities within the county and such by-law shall also indicate the amount that each municipality is required to provide for county purposes in that year.

By-law to be forwarded by county clerk

(5) The clerk of the county shall by the 15th day of April in each year, forward a copy of the by-law passed under subsection 4 to each municipality required to levy a rate for county purposes.

Request for review

(6) Where, in the opinion of one or more municipalities, its percentage share as set out in the by-law passed under subsection 4 is not just and equitable, one or more of the municipalities may request the council of the county to review the by-law.

Amendment to by-law

(7) Where the council of the county is of the opinion that the percentage share as set out in the by-law passed under subsection 4 is not just and equitable it may, on or before the 21st day of April, amend the by-law to make an apportionment for county purposes that is just and equitable.

Amended by-law to be forwarded by county clerk

(8) Where an amendment is made under subsection 7, the clerk of the county shall, on or before the 30th day of April, forward a copy of the amended by-law to each municipality in the county.

Appeal to O.M.B.

(9) A municipality in a county that is not satisfied with the by-law passed under subsection 4 or 7 may appeal on or before the 10th day of May, by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the county, and every municipality that is required to levy for county purposes.

Hearing by O.M.B.

(10) Upon receipt of the notice of appeal under subsection 9, the Municipal Board shall arrange a time and place for hearing the appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and dispose of the appeal before the 30th day of June next after the appeal.

Instalment payments

(11) The council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law that the amount required to be provided by each municipality according to the by-law passed under subsection 4 or 7 shall be paid to the county in the following instalments:

1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.

2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.

3. 25 per cent of such current amount on or before the 30th day of September.

4. 25 per cent of such current amount on or before the 15th day of December.

Idem

(12) Notwithstanding subsection 11, the council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law for any number of instalments and the amounts and due dates thereof other than those provided in subsection 11.

Penalties and discounts

(13) A by-law passed under subsection 11 or 12 shall provide that in the case of non-payment of any instalment or any portion thereof on the due dates, the municipality so in default shall pay to the county interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default, and where, with the consent of the council of the county, such instalments or any portion thereof are paid in advance of such dates the county shall allow to the municipality a discount thereon from the date of payment to the date upon which payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Adjustments

(14) Where, as a result of a decision of the Municipal Board on an appeal under subsection 9, there is an adjustment required to be provided for county purposes by any municipality, such adjustment shall be made by a municipality to the remaining instalments under subsection 11 or 12.

Refunds

(15) Where an adjustment under subsection 14 results in an overpayment having been made by a municipality of the total amount required to be provided by such municipality for county purposes in the year, such overpayment shall be refunded to the municipality by the council of the county within sixty days of the decision of the Municipal Board.

(16) Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Municipal Board shall adjust the percentage share that each municipality within the county shall contribute for county purposes. Adjustment by O.M.B.

(17) For the purposes of clauses *d*, *e*, *g* and *h* of subsection 1, "taxes" and "total taxes" shall be deemed not to include taxes levied under section 43 of *The Assessment Act*. Application of R.S.O. 1970, c. 32, s. 43

22.—(1) Subsection 2*c* of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "date fixed by the clerk as the" in the sixth line. s. 516 (2*c*), amended

(2) Subsection 2*h* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "the clerk shall determine all such complaints not later than the 10th day" in the seventh and eighth lines and inserting in lieu thereof "the last day for filing and determining complaints shall be the second Friday". s. 516 (2*h*), amended

(3) Subsection 2*j* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by inserting after "list" in the fifth line "which shall include the assessment roll number of each change" and by adding at the end thereof "and in lieu of the statement of changes the clerk may forward copies of applications in the prescribed form referred to in subsection 2*d*". s. 516 (2*j*), amended

23.—(1) Subsection 1 of section 544 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 124, section 21, is amended by inserting after "described" in the eighth line "and to ascertain if the names of occupants and owners contained thereon are correct". s. 544 (1), amended

(2) Subsection 3 of the said section 544 is repealed and the following substituted therefor: s. 544 (3), re-enacted

(3) The Assessment Commissioner shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following: Assessment Commissioner's certificate

I do certify that I have examined or caused to be examined all the lots and parcels of land and the names of the occupants and owners on this list named; and that I have entered on the attached memorandum any error discovered therein and that all the entries as amended are true and correct, to the best of my knowledge and belief.

s. 549 (1), re-enacted

24. Subsection 1 of section 549 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 22, is repealed and the following substituted therefor:

Written statement of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and, subject to clause *a*, may charge an amount for the cost of the search and certified statement on each separate parcel, but shall not make any charge to any person who forthwith pays the taxes.

(*a*) For the purposes of this subsection, "amount" means an amount not exceeding the administrative cost of the search and certified statement as determined by a by-law passed by council.

s. 636*a* (1), amended

25. Subsection 1 of section 636*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following clause:

(*ca*) in respect of a mobile unit that was removed from the municipality during the year or during the preceding year after the return of the assessment roll; or

. . . . .

Commencement

26.—(1) This Act, except subsection 2 of section 7, subsection 4 of section 15, and sections 19 and 21, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 1st day of January, 1974.

Idem

(3) Subsection 4 of section 15 and section 19 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(4) Section 21 comes into force on the 1st day of January, 1976.

Short title

27. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 3)*.

CHAPTER 137

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1975

Assented to February 14th, 1975

MOST GRACIOUS SOVEREIGN:

Preamble

WHEREAS it appears by messages from the Honourable Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1975; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$8,425,083,000 granted for fiscal year 1974-75

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $8,425,083,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1974, to the 31st day of March, 1975, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1975, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1974*.

SCHEDULE

	Estimates	Supplementary Estimates	Total
	$	$	$
Office of the Lieutenant Governor	61,000		61,000
Office of the Speaker	6,364,500	992,000	7,356,500
Office of the Premier	1,191,000		1,191,000
Cabinet Office	1,234,000		1,234,000
Management Board	7,455,000		7,455,000
Office of the Provincial Auditor	1,392,000		1,392,000
Government Services	224,766,000	33,600,000	258,366,000
Housing	225,152,000	103,000,000	328,152,000
Revenue	108,352,000	11,656,000	120,008,000
Treasury, Economics and Intergovernmental Affairs	403,904,000		403,904,000
Justice Policy	401,000		401,000
Attorney General	76,372,500		76,372,500
Consumer and Commercial Relations	32,993,500		32,993,500
Correctional Services	95,251,000		95,251,000
Solicitor General	98,336,000		98,336,000
Resources Development Policy	486,500		486,500
Agriculture and Food	101,799,000	10,000,000	111,799,000
Energy	2,281,000		2,281,000
Environment	181,699,000	13,791,000	195,490,000
Industry and Tourism	41,345,000		41,345,000
Labour	14,049,000		14,049,000
Natural Resources	171,429,000	3,100,000	174,529,000
Transportation and Communications	785,358,000	14,540,000	799,898,000
Social Development Policy	977,000		977,000
Colleges and Universities	927,023,000	5,233,000	932,256,000
Community and Social Services	646,979,000	30,385,000	677,364,000
Education	1,430,266,000	55,910,000	1,486,176,000
Health	2,342,335,000	213,624,000	2,555,959,000
Total	$7,929,252,000	$ 495,831,000	$8,425,083,000

PART II

PRIVATE ACTS

Chapters 138 to 168

CHAPTER 138

An Act respecting the City of Belleville

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Belleville hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Corporation" means The Corporation of the City of Belleville;

(*b*) "council" means the council of the Corporation;

(*c*) "employee" means the city clerk of the Corporation, namely Adam S. Stalker.

Retirement allowance

2. Notwithstanding any general or special Act, the council may pass a by-law granting an annual retirement allowance, payable weekly, monthly or otherwise, to the employee during his life, if he has had continuous service for at least twenty years with the Corporation and if he,

(*a*) is retired because of age; or

(*b*) while in the service of the Corporation has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of the Corporation will exceed three-fifths of his average annual salary for the preceding three years of his service.

Allowance to surviving spouse

3. Where the council grants an annual retirement allowance to the employee under section 2, the by-law may include

provision for continuing the allowance to the surviving spouse, if any, during her life, in an amount not exceeding one-half of the annual allowance payable to the employee.

Application of R.S.O. 1970, c. 284

4. Subsection 2*a* of section 239 of *The Municipal Act* applies *mutatis mutandis* to the spouse of the employee as if the employee had been eligible for a retirement allowance under such section 239.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The City of Belleville Act, 1974*.

CHAPTER 139

An Act respecting the City of Chatham

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Chatham, herein called the Corporation, hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement validated

R.S.O. 1970, c. 323

1. Notwithstanding section 64 of *The Ontario Municipal Board Act*, by-law No. 6165 of the Corporation, set forth in Schedule A hereto, passed by the council of the Corporation on the 10th day of May, 1971, authorizing the entering into of an Agreement set forth in Schedule B hereto, with Ridge Landfill Corporation Limited dated the 3rd day of May, 1971, providing for a sanitary land fill site for the disposition of garbage by the Corporation upon the terms and conditions as more particularly set out in the Agreement for a period to expire on the 31st day of October, 1976, and the said Agreement, are hereby declared to be valid and binding upon the Corporation and the ratepayers and inhabitants thereof and upon Ridge Landfill Corporation Limited.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The City of Chatham Act, 1974*.

SCHEDULE A

By-Law Number 6165

Of The Corporation of the City of Chatham

A By-law to authorize the Mayor and Clerk to execute an Agreement with Ridge Landfill Corporation Limited with regard to the provision of a disposal site for garbage received from the City of Chatham, bearing the date, May 3rd, 1971.

Finally passed the 10th day of May, A.D. 1971.

Whereas the present Agreement with Alan F. Doey for the disposal of garbage from the City of Chatham is about to expire.

And Whereas a new five year Agreement between the Ridge Landfill Corporation Limited and the Corporation of the City of Chatham commencing November 1st, 1971, has been drawn up bearing the date of May 3rd, 1971.

Be It Therefore Enacted by the Municipal Council of The Corporation of the City of Chatham as follows:

That the Mayor and Clerk be and they are hereby authorized to execute, on behalf of The Corporation of the City of Chatham, an Agreement dated the 3rd day of May, 1971, with the Ridge Landfill Corporation Limited, regarding the provisions of a disposal site for garbage received from the City of Chatham.

This By-law shall come into full force and effect on the final passing thereof.

Mayor.

City Clerk.

SCHEDULE B

THIS AGREEMENT made this 3rd day of May, A.D. 1971.

BETWEEN:

RIDGE LANDFILL CORPORATION LIMITED
hereinafter called the "Contractor",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE CITY OF CHATHAM
hereinafter called the "Corporation",

OF THE SECOND PART.

WHEREAS the Corporation has accepted the tender of the Contractor for the provision and operation of a Sanitary Landfill Site for receiving and disposing of garbage from the Corporation.

AND WHEREAS the Parties hereto have agreed to enter into these presents to more particularly set out the terms of the Agreement between them.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants herein contained, the Parties hereto hereby covenant and agree as follows:

1. The Contractor will:

(*a*) Provide a Sanitary Landfill Site and do all necessary work required to be done by the Contractor to receive all garbage from within the City limits of the Corporation in accordance with the specifications, instructions and regulations contained herein, and the Contractor will provide at his own expense all and every kind of labour, vehicles, tools, equipment, articles and things necessary for the due execution of the said work.

(*b*) At all times operate the said Sanitary Landfill Site in accordance with the standards and procedures recommended by the Kent County Health Unit as set out in a letter dated September 28th, 1966 from E. G. Brown, M.D., D.P.H., Director and M.O.H., Kent County Health Unit, to Alan F. Doey, a copy of which letter is annexed hereto as Schedule "A" to this agreement, and in accordance with the following specifications:

(i) The Site for the prosecution of the work shall be the Northerly 53 acres of Lot 14, Concession 4, W. C. R., Township of Harwich in the County of Kent, or such other site or sites as the Corporation may from time to time approve.

(ii) The Contractor will at all times maintain an all weather road within his own property to allow the safe and speedy ingress and egress of vehicles.

(iii) The hours at the disposal site for the receiving of garbage from the Corporation shall be Monday to Friday, 8 o'clock a.m. to 5 o'clock p.m., and on Saturday, 8 o'clock a.m. to 12 o'clock noon, Eastern Standard time and Daylight

Saving time when in effect in Chatham. The disposal site will also be open to receive garbage on all holidays on which garbage is collected by the Corporation.

(iv) The Corporation reserves the right to adjust the "open" hours at the disposal site, if in the opinion of the Engineer, it is necessary.

(v) A suitable sign will be erected and maintained clearly marking the disposal site and the said hours for the receipt of garbage.

(vi) The Contractor will provide lighting facilities and/or a telephone at the disposal site, if in the opinion of the Corporation they are necessary. The expense of erection, maintenance, and operation of the said facilities shall be the responsibility of the Contractor.

(vii) In addition to garbage delivered by the City of Chatham garbage collectors, the Contractor will receive and dispose of the contents of one (1) truck each, daily, from Contractors, Commercial establishments, individual citizens, and industries having an address within the limits of the Corporation, provided the load does not exceed 15 cubic yards of loose material or 4 cubic yards of mechanically compacted material.

(*c*) Assume the defence of and indemnify and save harmless the Corporation and its officers and agents from all claims relating to labour, materials and equipment furnished for the work, and to inventions, patents or patent rights used in doing the work. The Contractor shall be responsible for any and all damages or claims for damages or injuries or accidents done to or caused by him, or his employees, or relating to the performance of the work, or any of his operations, or caused by reason of the existence or location or condition of any materials, plant, or machinery used thereon or therein, or which may happen by reason thereof, or arising from any failure, neglect or omission on his part, or on the part of any of his employees, to do or perform any or all of the several acts or things required to be done by him or them under and by these conditions, and covenants, and agrees to hold the Corporation harmless and indemnified from all such damages and claims for damages.

(*d*) Together with a guarantee company (approved by the City) resident in Canada or authorized by law to carry on business in Canada, provide annually a one hundred percent (100%) bond for the due performance of this contract by the Contractor.

The said bond shall be deposited with the Clerk of the Corporation. The expense of obtaining the said bond shall be borne by the Contractor.

(*e*) Obtain insurance in the amount of $100,000.00 from an insurance company authorized to carry on business in Canada to cover its public liability and property damage liability under this contract.

(*f*) At all times pay or cause to be paid, any assessment or compensation required to be paid pursuant to *The Workmen's Compensation Act*, and, upon failure to do so, the Corporation may pay such assessment or compensation to the Workmen's Com-

pensation Board and deduct the amount of such payment from the monies payable to the Contractor by the Corporation as hereinafter set out. The Contractor will, at any time during the performance or upon completion of the contract, at the request of the Corporation, obtain from the workmen's Compensation Board a certificate that all assessments or compensations payable to the Board have been paid.

(*g*) Keep the work under his personal control, and shall not assign, transfer or sublet this contract or any portion thereof without first obtaining the consent of the Corporation, provided however, that the Contractor is hereby permitted to assign this contract to a private corporation of which he shall be the principal shareholder. The consent of the Corporation to any such assignment, transfer, or subletting, shall not however, relieve the Contractor of any responsibility for the proper commencement, execution and completion of the work according to the terms of this contract and the Contractor shall, either in person or through an accredited agent receive all notices, communications, orders, instructions or legal services as if he were performing the work with his own plant and his own men.

2. Should any overseer, mechanic, driver, or workman employed on or about the work or in connection therewith, give any just cause for complaint, the Corporation shall notify the Contractor in writing, stating the reasons therefor, and the Contractor shall dismiss such person forthwith, and he shall not again be employed by the Contractor in the performance of the work without the consent, in writing, of the City Engineer.

3. If the Contractor neglects or fails to commence operation on the date specified, or if he shall become bankrupt or insolvent, or compound with his creditors, or commit any act of insolvency, or shall transfer, assign or sublet or attempt to transfer, assign, or sublet this contract, or any part thereof without the consent of the Corporation, or if at any time the work or any part thereof is, in the judgment of the Engineer, not executed or not being executed, in a sound or workmanlike manner to his satisfaction and in all respects in strict conformity with the contract, or to comply with any reasonable order he may receive from the Engineer, of if the Contractor shall persist in any course in violation of any of the provisions of this contract, then, in each and every case, after twenty-four (24) hours written notice from the Corporation to the Contractor, the Corporation shall have the full right and power, at its discretion, without process or action at law, to take over the operation of the Sanitary Landfill Site for the purposes of this contract, or any part or parts thereof, as specified in the said notice, out of the hands of the Contractor and the Contractor upon receiving notice to that effect, shall vacate possession and give up said operation, or the part or parts thereof specified in the said notice, peaceably to the Corporation, which may either relet the same to any other person or persons, with or without its previously being advertised or may employ workmen and provide the necessary plant at the expense of the Contractor, or may take such other steps as it may consider necessary or advisable in order to secure the completion of the said contract to its satisfaction and the Contractor and his surety in every case shall be liable for all damages, expenditures, and extra expenditures and for all additional costs of the work which may be incurred by reason thereof.

4. Any notice or communication to the Contractor shall be deemed to be well and sufficiently given and served if handed to the Contractor or any of his clerks or agents or if posted or sent to the Contractor at Cedar Springs, Ontario. In any written notice to the Contractor in respect of any work required to be done under any of the provisions of this contract or of any other matter, it shall not be obligatory upon the Engineer to specify

minutely or in detail everything required, nor to specify by measurement the exact extent thereof, or the precise spot or spots where the work may be defective or faulty, or where any of the requirements of the contract have not been observed, but a reference in such notice to the clause or clauses bearing upon the matter, and a description of the locality in general terms and sufficiently clear, in the opinion of the Engineer, to indicate where the defect or trouble exists, shall be deemed to be, and shall be ample notice.

5. The term of this contract will be five consecutive years, commencing on the first day of November, 1971; negotiations for an extension of the term may be conducted at any time during the year 1976.

6. The Corporation will:

(*a*) And it does hereby approve the site provided by the Contractor for the operation of a Sanitary Landfill, composed of the Northerly 53 acres of Lot 14, Concession 4, W.C.R. in the Township of Harwich, in the County of Kent and Province of Ontario.

(*b*) Pay to the Contractor monthly in arrears not later than the 15th day of the following month, one-twelfth of the annual contract price. The annual contract price shall be calculated, for each calendar year, or part thereof, during which the term of this contract extends, at the rate of one dollar and ten cents ($1.10) per capita of the Corporation's population as established by the Corporation's current revised assessment roll on the first day of January in each such calendar year.

7. Nothing herein contained shall be deemed to prevent the Contractor from receiving garbage for disposal at the said Sanitary Landfill Site in addition to that undertaken to be received by the Contractor pursuant to the provisions of this agreement.

8. In this contract "Engineer" or "City Engineer" shall mean the person, or persons, for the time being filling the office of the City Engineer of the Corporation or the person or persons then acting as such, or any other person authorized by the City Engineer to act on his behalf.

9. "Garbage" as referred to in this contract shall mean and include only, rejected, abandoned or discarded household waste, either animal or vegetable, wearing apparel, waste paper, broken crockery and glassware, bottles, cans, grass cuttings, garden refuse and other such refuse matter in packages, containers or bundles.

10. This contract shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Contractor and the Corporation have affixed their corporate seals, attested to by the hands of their proper officers in that behalf, the day and year first above written.

RIDGE LANDFILL CORPORATION LIMITED

THE CORPORATION OF THE CITY OF CHATHAM

Mayor

Clerk

Schedule A

September 28th, 1966.,

Mr. A. F. Doey,
Doey Gravel & Construction Ltd.,
Cedar Springs,
Ontario.

Re: Sanitary Land Fill-Area Method
North 53 Acres, Lot 14, Conc. 4.
W.C.R. Harwich Township.
East 50 acres of Lot 15, Conc. 4.
W.C.R. Harwich.

Dear Mr. Doey,

Inspection of this site was carried out 26th September, 1966 by Mr. J. D. Heaman, Public Health Engineer of the Ontario Department of Health and by Mr. A. S. Hester, Chief Public Health Inspector for Kent County.

The inspection along with the report from Mr. David McGeorge as to the nature and porosity of the soil and level of the ground water table shows this site to be suited for use as a sanitary land fill area.

The following standards and procedures are recommended:—

(*a*) Access to sanitary fill area limited to those times when an attendant is on duty. Fencing, including a locking gate to preclude entry by unauthorized persons and indiscriminate dumping. The entire operation to be kept tidy.

(*b*) A prominent sign declaring in effect—"No unauthorized dumping".

(*c*) A sight barrier of trees, hedge, shrubs or earth bank to be established where adjacent to road.

(*d*) A perimeter buffer zone or 'green belt' 20' wide to separate operation from adjacent land.

(*e*) Drainage of surface water—the entire site including the fill surface should be graded and provided with drainage facilities to minimize run off onto and into fill, to prevent erosion or washing of the fill and prevent the collection of standing water.

(*f*) Modern measures for insect and rodent control to be employed.

(*g*) Large items—provisions shall be made for disposal of large, heavy or bulky items which lie within the capabilities of the site, as established by the operator.

(*h*) Burning—no garbage or other refuse containing garbage shall be burned. Burning of select materials may be done with the permission of the Health Unit.

(*i*) Sewage solids or liquids to be excluded.

(*j*) Hazardous materials—highly inflammable and corrosive substances and poisons not accepted unless special provisions are made for such disposal through the Health Unit.

(*k*) Variance from any of the aforementioned specifications may be granted on application to the Health Unit provided it can be shown that no nuisance or health hazards are created.

(*l*) A minimum of four feet of compacted earth between the water table (at spring of year) and floor of the excavation.

(*m*) Compaction of refuse and garbage must be effected at the end of each days fill, and after compaction each days fill to be covered with a minimum of six inches of compacted soil.

(*n*) A final twenty-four inches minimum of compacted soil must cover the entire fill area when completed.

It would be ideal to record the volume of (*a*) municipal garbage and refuse, (*b*) waste from industry, by actual weight, or number and size of truck loads or cubic measurement.

Free discussions re operation are invited.

Yours truly,

E. G. Brown, M.D., D.P.H.,
Director and M.O.H.,
Kent County Health Unit.

EGB.db.

CHAPTER 140

An Act respecting Diamond and Green Construction Co. Limited

Assented to April 26th, 1974

Preamble

WHEREAS Abraham Diamond, Bernice Diamond, Samuel Diamond, Herbert Green and Joyce Green hereby represent that Diamond and Green Construction Co. Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 9th day of July, 1957; that the Provincial Secretary by order dated the 19th day of March, 1969, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 23rd day of April, 1969; that the applicants were all the directors and the holders of all the common shares of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act*, although sent to each of the applicants as directors, was not received by any of them and none of them was aware of the dissolution of the Corporation until more than one year after the date thereof; that the Corporation was carrying on active business at the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Diamond and Green Construction Co. Limited revived

1. Diamond and Green Construction Co. Limited, incorporated by letters patent dated the 9th day of July, 1957, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in

the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Diamond and Green Construction Co. Limited Act, 1974*.

CHAPTER 141

An Act respecting Dominion Cartage Limited and Downtown Storage Company Limited

Assented to February 14th, 1975

Preamble

WHEREAS Frederick William Torrance, Stanley John Price and Hilda Jean Price hereby represent that Downtown Storage Company Limited and Dominion Cartage Limited, herein called the Corporations, were incorporated by letters patent dated the 28th day of May, 1956, in the case of Downtown Storage Company Limited, and dated the 2nd day of March, 1954, in the case of Dominion Cartage Limited; that the Provincial Secretary by order dated the 10th day of December, 1969, in the case of Downtown Storage Company Limited, and the 9th day of April, 1969, in the case of Dominion Cartage Limited, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporations and declared them to be dissolved; that notice of default in filing annual returns required by the said subsection 2 of section 326 of *The Corporations Act* was sent to each of the persons of record on the files of the Department of Financial and Commercial Affairs and that these persons of record in the files of the Department of Financial and Commercial Affairs are the applicants herein and were all directors and shareholders of the Corporations at the time of their dissolution; although the said notice of default was sent to each of the directors of the Corporations it was not or apparently it was not received by all of them, and in any event, that through inadvertence necessary annual returns for the Corporations were not filed, and the funds for renewal of the charters and the required documentation in connection with revival of the Corporations were apparently not received within the time provided by statute; that the Corporations at the time of their dissolution were and are now actively carrying on the businesses authorized by their letters patent; and whereas the applicants hereby apply for special legislation reviving the Corporations; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Downtown Storage Company Limited, revived

1. Downtown Storage Company Limited, incorporated by letters patent dated the 28th day of May, 1956, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges, and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Dominion Cartage Limited, revived

2. Dominion Cartage Limited, incorporated by letters patent dated the 2nd day of March, 1954, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges, and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Dominion Cartage Limited and Downtown Storage Company Limited Act, 1974.*

CHAPTER 142

An Act respecting the City of Hamilton

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Hamilton, herein called the Corporation, represents that the council of the Corporation did pass a resolution on the 27th day of October, 1970, under section 241 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, requesting a judge of the County Court of the County of Wentworth to investigate and report on the actions and conduct of members of council, officials, agents and employees of the Corporation and any persons having a contract with the Corporation with respect to the carrying out of the construction of a new city hall; and that Stanley M. Roscoe, former architect of the Corporation during whose tenure the city hall was built was a witness before the judicial inquiry held by His Honour Judge T. L. McCombs; and whereas it is considered desirable that the council of the Corporation have the authority to pass a by-law authorizing the Corporation to pay all or part of the costs incurred by Stanley M. Roscoe during the inquiry; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law authorized

1. The council of the Corporation is hereby authorized to pass a by-law authorizing the Corporation to pay all or part of the costs incurred by Stanley M. Roscoe during and as a result of the judicial inquiry held from the 15th day of February, 1971, to the 22nd day of June, 1971, into the construction of the new city hall.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Hamilton Act, 1974*.

CHAPTER 143

An Act respecting the City of Hamilton

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Hamilton hereby applies for special legislation in respect of an additional class of persons in respect of which The Corporation of the City of Hamilton may make grants to the Hamilton Transit Commission to cover costs of providing transportation free of charge or at a reduced rate; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 1 (*b*), amended

1. Clause *b* of section 1 of *The City of Hamilton Act, 1970*, being chapter 153, is amended by adding thereto the following subclause:

(v) a person in receipt of compensation for permanent disability under *The Workmen's Compensation Act*. R.S.O. 1970, c. 505

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Hamilton Act, 1974 (No. 2)*.

CHAPTER 144

An Act respecting The Incorporated Synod of the Diocese of Ontario

Assented to April 26th, 1974

Preamble

WHEREAS The Incorporated Synod of the Diocese of Ontario, being the applicant herein, hereby represents that it is desirous of amending *An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario*, being chapter 109 of the Statutes of Ontario, 1875-76, to provide for a different distribution of surplus funds of the Diocese; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 4. amended

1. Section 4 of *An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario*, being chapter 109 of the Statutes of Ontario, 1875-76, as amended by the Statutes of Ontario, 1970, chapter 147, section 1, is further amended by inserting after "respectively" in the eighteenth line "and the incumbent of the Cathedral Church of St. George in the Rectory of Kingston", so that the section shall read as follows:

Rights of incoming incumbents

4. No incumbent of any such Rectories in the said Diocese, who may be inducted therein after the passing of this Act, shall receive, out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said Rectory of which he is incumbent, then remaining unsold, amount to the sums following, that is to say: as to the Rectory of Kingston, the sum of three thousand dollars a year; as to the Rectory of Belleville, the sum of two thousand, five hundred dollars a year; and as to the rectories in other townships, the sum of one thousand, six hundred dollars; and all and any excess of interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold, beyond such annual payments aforesaid, shall be

apportioned to and divided among the incumbents of the other churches of the said Church, in the city, town or townships in which the lands belonging to such rectory are situate, or which to such rectory belongs respectively, and the incumbent of the Cathedral Church of St. George in the Rectory of Kingston, in such proportions as such Incorporated Synod shall, by resolution, by-law or canon, from time to time, order and direct.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Incorporated Synod of the Diocese of Ontario Act, 1974*.

CHAPTER 145

An Act respecting the Town of Ingersoll

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the Town of Ingersoll hereby represents that it is desirous of establishing The Ingersoll Recreational Services Board for the better development and supervision of its public parks, its recreation facilities and its community centre or centres and for such purposes to charge the Board with the duties and responsibilities and give to it the powers and privileges of the Ingersoll Parks Board, established under *The Public Parks Act*, of The Ingersoll and District Memorial Centre Board established under *The Community Centres Act*, and of the Ingersoll Recreation Committee, established under *The Department of Education Act*; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

R.S.O. 1970, cc. 384, 73, 111

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Board" means The Ingersoll Recreational Services Board;

(*b*) "council" means the council of the Town;

(*c*) "Town" means The Corporation of the Town of Ingersoll.

Ingersoll Recreational Services Board

2.—(1) Notwithstanding *The Ministry of Community and Social Services Act*, *The Public Parks Act* and *The Community Centres Act*, there shall be a Board that shall be known as The Ingersoll Recreational Services Board and shall be composed of,

R.S.O. 1970, cc. 120, 384, 73

(*a*) the head of the council;

(*b*) two members of council to be appointed by the council; and

(*c*) six other persons appointed by the council who shall be qualified electors of the Town but not members of council.

Substitute for head of council

(2) The head of the council, with the approval of council, may annually appoint a substitute, who is a member of the council, to act for him.

Term of office

(3) The members of the Board who are not members of the council shall hold office for three years, provided that, on the first appointment, the council shall designate which member shall hold office,

(*a*) until the 1st day of January of the year next following the date of his appointment;

(*b*) until the 1st day of January of the second year next following the date of his appointment; and

(*c*) until the 1st day of January of the third year next following the date of his appointment,

respectively, so that one-third of such members shall retire each year.

Appointment of council members

(4) The members of the Board who are members of council shall be appointed to correspond with their term of office.

Reappointment

(5) The members of the Board shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancy

(6) Where a member ceases to be a member of the Board before the expiration of his term of office, the council shall appoint another eligible person for the unexpired portion of that term.

When appointments to be made

(7) The first appointments of members of the Board shall be made by the council immediately upon the coming into force of this Act, and thereafter the appointments shall be made annually at the first meeting of the council in any year, and any vacancy arising from any cause other than the expiration of the term for which the member was appointed shall be filled at the first meeting of the council held after the vacancy occurs.

(8) A majority of the members of the Board constitutes a quorum. Quorum

(9) At its first meeting in every year, the Board shall elect a chairman and a vice-chairman from among the members of the Board, and in the absence of the chairman, the vice-chairman shall preside and the Board shall appoint a secretary, who may, but need not, be a member of the Board. Chairman, etc.

(10) The chairman, vice-chairman and secretary shall hold office at the pleasure of the Board or for such a period as the Board may prescribe. Term of office

(11) When the chairman, vice-chairman or secretary is absent or unable to act, the Board may appoint a chairman or secretary *pro tempore*. Absence

(12) The Board may engage such employees and consultants as it considers expedient. Staff

(13) The Treasurer of the Town shall be the treasurer of the Board. Treasurer

3. Except as otherwise provided in this Act, *The Ministry of Community and Social Services Act* and the regulations made thereunder, *The Community Centres Act* and the regulations made thereunder and *The Public Parks Act*, except the provisions constituting a Board of Park Management as a corporation and authorizing such a Board to acquire and hold land, apply to the Board as if it had been established in accordance with such Acts and regulations. Application of R.S.O. 1970, cc. 120, 73, 384

4.—(1) When the first members of the Board have been appointed, The Ingersoll Recreation Committee, The Ingersoll Parks Board, and The Ingersoll and District Memorial Centre Board are dissolved, and the assets and liabilities thereof become the assets and liabilities of the Town. Dissolution of former bodies

(2) All by-laws heretofore passed in so far as they are inconsistent with the provisions of this Act are hereby repealed or amended so as to give full force and effect to this Act. By-laws

5. The Board may contract and may sue and be sued in its own name, and the members thereof are not personally liable for torts committed by other members of the Board or its servants or agents or on any contract made by the Board. Liability of Board members

Estimates

6.—(1) The Board shall, on or before the 15th day of February in each year, submit to the council an itemized estimate of its financial requirements for the year, and, subject to the provisions of *The Public Parks Act*, the council may amend such estimate and shall pay out of the moneys appropriated for the Board such amounts as may be requisitioned from time to time by the Board.

R.S.O. 1970, c. 384

Application of moneys for designated purpose

(2) Where any moneys have been included in the estimates of the Board for a designated purpose, they shall be used by the Board only for such designated purpose and not otherwise.

Powers and duties of Board

7. The Board shall operate, maintain, manage and develop on behalf of the Town all recreational centres, parks, playgrounds and other real property of a like nature vested in or leased by the Town and used or designed for recreational purposes and shall be in charge of, manage and make available for recreational purposes all recreational equipment, recreational facilities and other personal property belonging to the Town and used or designed for recreational purposes.

Idem

8. The Board shall operate, maintain and manage on behalf of the Town all properties which are now or which may hereafter be established as community centres pursuant to *The Community Centres Act*, or the regulations made thereunder.

R.S.O. 1970, c. 73

Commencement

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Town of Ingersoll Act, 1974*.

CHAPTER 146

An Act respecting the City of Kitchener

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Kitchener, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Special Development Area" means an area of land within a plan of subdivision that is so designated in an agreement entered into by the Corporation and the owner of the land, and in respect of which Special Development Regulations and Special Development Standards apply;

(*b*) "Special Development Regulations" means the regulations that apply to a Special Development Area governing lot size, size and style of housing, housing standards, maximum sale price, location of housing and concept plans;

(*c*) "Special Development Standards" means the standards for subdivision services that apply to a Special Development Area.

Agreements re Special Development Area authorized

2. The Corporation may enter into an agreement with the owner of land in respect of a plan of subdivision wherein a Special Development Area or Areas will be designated within the plan and whereby as a result of such designation as a Special Development Area the Special Development Regulations and Special Development Standards will apply.

By-law to establish Special Development Committee

3.—(1) The council of the Corporation may by by-law establish a Special Development Committee composed of seven persons of whom two shall be members of the council

of the Corporation as selected by council, one shall be the Commissioner of Public Works or his delegate, one shall be the Commissioner of Planning and Development or his delegate, one shall be a representative of the Kitchener-Waterloo Real Estate Board, one shall be a representative of the Housing and Urban Development Association of Canada, Kitchener-Waterloo Branch, and one shall be a representative of the Urban Development Institute, Kitchener-Waterloo Chapter.

Quorum

(2) A majority of the Committee, including at least one member of council, constitutes a quorum.

Special Development Standards

4. The Special Development Committee may recommend to the council of the Corporation Special Development Standards for a Special Development Area and the council may by resolution adopt such standards in whole or in part or may adopt such standards with such modification as the council considers desirable and thereupon the standards apply to the Special Development Area and shall be adhered to by the owner of the lands in the area, his heirs, executors, administrators, successors and assigns.

Special Development Regulations

5. The Special Development Committee may recommend to the council of the Corporation Special Development Regulations for a Special Development Area and the council may by resolution adopt such regulations in whole or in part or may adopt such regulations with such modifications as the council considers desirable and thereupon the regulations apply to the Special Development Area and shall be adhered to by the owner of the lands in the area, his heirs, executors, administrators, successors and assigns.

Review of recommendations by Committee

6. The Special Development Committee may from time to time review and revise its recommendations in respect of Special Development Standards and Special Development Regulations and shall in any event review the maximum selling price of dwelling units set out in the Regulations and make recommendations to the council thereon at least once in every three months.

Offers to purchase to require approval of Committee

7. Upon an offer to purchase a dwelling unit in a Special Development Area being accepted by the vendor, one copy of the accepted offer shall be filed by the vendor with the Special Development Committee which shall consider each such offer, and unless the Committee approves the offer within fourteen days of its being received, the parties to the offer shall not be bound thereby.

Offer required to provide deed to include covenant to reconvey

8.—(1) The Special Development Committee shall not approve an offer to purchase filed with it under section 7, unless the offer contains a provision that the deed of land

from the vendor to the purchaser will include a covenant on the part of the purchaser to reconvey to the vendor at the original purchase price without regard to compensation for improvements, in the event the purchaser either fails to continuously occupy the dwelling unit for a period of three years after the date of registration of the deed or wishes to resell the dwelling unit within that period.

Deed deemed to include covenant to reconvey

(2) Every deed of land in respect of a dwelling unit situate within a Special Development Area shall be deemed to contain the covenant mentioned in subsection 1, whether or not it is expressly set out in the deed, and to be binding upon the grantee named in the deed, his heirs, executors, administrators, successors and assigns.

When right to reconveyance vests in Corporation

9. Where the vendor becomes entitled to a reconveyance of a dwelling unit under section 8, if the vendor fails to complete the transaction and register the deed within sixty days, the right to such reconveyance vests in the Corporation.

Price at which dwelling unit may be resold

10. The vendor or the Corporation, as the case may be, may resell a dwelling unit that has been conveyed to it under section 8 or 9 at such price as the council of the Corporation establishes, provided the price established shall not exceed the selling price applicable in the relevant Special Development Area as set out in Special Development Regulations last adopted by resolution of the council.

Registration of agreement

11. The agreement wherein a Special Development Area is to be designated shall be registered on title by the Corporation at the expense of the owner and shall be binding upon the owner, his heirs, executors, administrators, successors and assigns.

Right of action

12. In the event that a purchaser purchases a dwelling unit in a Special Development Area, at a price greater than the price established by the Special Development Committee as of the date of the acceptance of his offer to purchase, then the purchaser shall be entitled to recover, in a court of competent jurisdiction, the difference in price as between the price approved for the dwelling unit by the Special Development Committee as of the said date and the price which the purchaser, in fact, paid.

Commencement

13. This Act comes into force on the day it receives Royal Assent.

Short title

14. This Act may be cited as *The City of Kitchener Act, 1974*.

CHAPTER 147

An Act respecting Lake of the Woods District Hospital

Assented to April 26th, 1974

Preamble

WHEREAS The Board of Directors of Lake of the Woods District Hospital, herein called the Board, hereby represents that it is desirable to amend *The Lake of the Woods District Hospital Act, 1968*, to provide for an increase in the number of appointed directors on the Board from four to seven; and whereas the Board hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application; 1968, c. 156

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 2 (2) (*b*), amended

1. Clause *b* of subsection 2 of section 2 of *The Lake of the Woods District Hospital Act, 1968*, being chapter 156, is amended by striking out "four" in the first line and inserting in lieu thereof "seven".

s. 4, amended

2.—(1) Section 4 of the said Act is amended by striking out "four" in the first line and inserting in lieu thereof "seven".

s. 4, amended

(2) The said section 4 is further amended by adding thereto the following clauses:

(*e*) one shall be appointed annually by the Board of Trustees of the Improvement District of Sioux Narrows and shall be a member of the said board of trustees;

(*f*) two Indian persons shall be appointed annually by the Board by resolution of the councils of the Indian Bands of the area served by the Corporation.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Lake of the Woods District Hospital Act, 1974*.

CHAPTER 148

An Act respecting the City of London

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of London, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1960, c. 153, s. 2 (6), re-enacted

1. Subsection 6 of section 2 of *The City of London Act, 1960*, being chapter 153, as enacted by the Statutes of Ontario, 1972, chapter 181, section 3, is repealed and the following substituted therefor:

Increased past service pension

(6) Notwithstanding the provisions of this section, the council of the Corporation may by by-law from time to time increase the amount of any past service pension for the purpose of compensating for the increased cost of living.

Non-application of R.S.O. 1970, c. 284, s. 582

2. The provisions of section 582 of *The Municipal Act* shall not apply to those lands acquired by the Corporation at tax sales held prior to the 31st day of December, 1950, and not heretofore alienated from the Corporation.

1971, c. 117, s. 2 (1), par. 9, amended

3. Paragraph 9 of subsection 1 of section 2 of *The City of London Act, 1971*, being chapter 117, is amended by adding at the end thereof "and such contribution shall not be deemed to be taxation within the meaning of *The Assessment Act* or any other Act which has a connotation of taxation".

Debentures authorized

4.—(1) The council of the Corporation may pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the issue of debentures in the amount of $550,000 for the purpose of paying off the temporary loan obtained for industrial lands purchased on Trafalgar Street, more particularly described in Schedules A and B hereto and such debentures shall have a maturity date prior to the 30th day of October, 1979, and a five-year term and payments shall be amortized.

Application of R.S.O. 1970, c. 323, ss. 55-58

(2) Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply in respect of any by-law passed under subsection 1 and to any debentures issued thereunder.

Order of O.M.B. deemed issued

(3) For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the acquisition of the undeveloped industrial land referred to in subsection 1 and authorizing the Corporation to issue debentures under subsection 1.

London Art Gallery Board established

5.—(1) A corporation without share capital is hereby established under the name of "The London Art Gallery Board" for the purpose of planning, erecting, altering, maintaining, operating and managing an Art Gallery or Art Galleries within the limits of the City of London.

Composition of Board

(2) The council of the Corporation shall appoint five members to the Board, one of whom shall be an elected member of council and four shall be citizens at large, none of whom shall hold office in organizations mentioned herein while members of the Board.

Idem

(3) There shall be four other members of the Board, one appointed by the Canadian Artists' Representation, one appointed by the London Art Gallery Association, one appointed by the Public Library Board and one other citizen appointed by The London Art Gallery Board.

Term of office

(4) For the first term of appointment of members, those appointed by the council shall be appointed for a one-year term, their appointment to be completed and finished upon the 31st day of December, 1974.

Idem

(5) For those appointed by the Canadian Artists' Representation, the London Art Gallery Association, the Public Library Board and The London Art Gallery Board, the appointment shall be for a two-year term and shall terminate on the 31st day of December, 1975, and thereafter, all appointments shall be for a period of two years, the City of London appointees starting the 1st day of January, 1975, and the four other appointees starting the 1st day of January, 1976.

Members eligible for re-appointment

(6) Nothing herein prevents the reappointment of any member of the Board for a further term or terms.

Failure to make appointment, etc.

(7) In the event that one or more of the organizations mentioned herein ceases to exist, or fails to make an appointment, the council, on the recommendation of The London Art Gallery Board, shall by by-law substitute another

organization or in the alternative, provide for an additional appointment by the council.

(8) The Art Gallery or Art Galleries shall be under the management, regulation and control of the Board. Board to manage and control Art Gallery

(9) The Board shall have the following further powers: Additional powers of Board

1. To promote interest in and advance the study, knowledge and appreciation of art of all forms.

2. To provide facilities for the storing, housing and display of art of all forms.

3. To provide facilities for education and instruction in art of all forms.

4. Subject to *The Mortmain and Charitable Uses Act* and to *The Charitable Gifts Act*, to collect and raise money by way of grants, gifts, donations, bequests, legacies and other payments and to hold, expend or deal with such funds in furtherance of the foregoing objects. R.S.O. 1970, cc. 280, 61

5. To invest, in investments authorized under *The Trustee Act* for the investment of trust funds, moneys of the corporation not immediately required for its objects. R.S.O. 1970, c. 470

(10) The head office of the corporation shall be situate in the City of London, in the County of Middlesex. Head office

(11) The council of the Corporation may provide to The London Art Gallery Board an annual operating grant. Operating grant

(12) The directors shall serve without compensation, and no director shall, directly or indirectly, receive any profit as such but reasonable expenses incurred by any director in the performance of his duty may be paid. Directors to serve without compensation

(13) Upon the dissolution of the Board and after the payment of all debts and liabilities, the remaining property of the Board shall be distributed to the Corporation or disposed of to such organizations, having objects similar to those of the Board, as may be designated by the council of the Corporation. Dissolution

6. Subsections 1, 2, 3, 4 and 7 of section 5 of *The City of London Act, 1972*, being chapter 181, are repealed and the following substituted therefor: 1972, c. 181, s. 5 (1-4, 7), re-enacted

Designation of buildings, etc., of historical or architectural value

(1) The council of the Corporation may, with the prior approval of the Ontario Municipal Board, by by-law, designate buildings, structures or sites and the lands associated with the buildings or structures, as buildings, structures or sites of historical or architectural value or interest and the said by-law or by-laws may prohibit the demolition, destruction or alteration of any building or structure so designated, or prohibit or regulate the alteration or renovation thereof.

Acquisition of buildings, etc.

(2) The council of the Corporation may provide by by-law for the acquisition by purchase, lease or otherwise of any building, structure or site so designated.

Grants

(3) The council of the Corporation may, by by-law, provide for the making of grants to assist in the renovation, restoration or maintenance of any building, structure or site so designated.

By-law to be null and void if no agreement re acquisition, etc., of building, structure or site

(4) Where a by-law prohibits the demolition, destruction, alteration or renovation of a building, structure or site so designated, the Corporation shall, within ninety days of the approval of the by-law,

(*a*) enter into an agreement to acquire the property;

(*b*) enter into an agreement for the payment of compensation to the owner of the building, structure or site; or

(*c*) expropriate the building, structure or site,

failing which, the by-law so designating a building, structure or site shall, for all purposes, following the expiration of the said ninety-day period, be null and void and of no further force or effect.

. . . . .

Advisory Committee

(7) The council of the Corporation may, by by-law, establish an Advisory Committee which shall be responsible to the council of the Corporation for recommending sites of historical or architectural interest and having such responsibility for the preparation of reports and recommendations for consideration by the council, as the council may by by-law provide.

Lands vested in Corporation R.S.O. 1970, c. 154

7. Part of the lands described in a plan of expropriation pursuant to subsection 1 of section 9 of *The Expropriations Act*, registered in the Registry Office for the Registry Division of London (No. 32) on the 3rd day of March, 1971, as Number 160342 which lands are described in Schedule C hereto and certified as to title by William L. Moore, one of Her Majesty's Counsel learned in the law, on the 7th day of February, 1974, were vested in fee simple in The Corporation of the City of London

on the 3rd day of March, 1971, and were on said date clear and free from all rights, trusts, interests, limitations, restrictions or covenants whatsoever.

8. Subsections 2 and 3 of section 7 of *The City of London Act, 1951*, being chapter 107, as enacted by the Statutes of Ontario, 1952, chapter 124, section 4, are repealed. 1951, c. 107, s. 7 (2, 3), repealed

9. This Act comes into force on the day it receives Royal Assent. Commencement

10. This Act may be cited as *The City of London Act, 1974*. Short title

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of London, in the County of Middlesex, and being composed of:

FIRSTLY:

Part of Lot Number Two (2), Concession "B", formerly in the Township of London, which parcel may be more particularly described as follows:

PREMISING that all bearings are astronomic and are referred to the bearing of North 69 degrees 35 minutes 10 seconds East of the Northerly limit of said Lot Number Two (2);

COMMENCING in the North-west angle of said Lot Number Two (2);

THENCE South 20 degrees 23 minutes 30 seconds East, two thousand two hundred and fifty-two and eighty-seven one-hundredths feet (2,252.87′) to the South-west angle of the North half of said Lot Number Two (2);

THENCE North 68 degrees 48 minutes 30 seconds East along the Southerly limit of the North half of said Lot, two thousand and nine and seventy-four one-hundredths feet (2,009.74′) to the South-east angle of the North half of said Lot;

THENCE North 20 degrees 33 minutes 50 seconds West along the Easterly limit of said Lot, two thousand and sixty and fifty-eight one-hundredths feet (2060.58′) to a point distant two hundred feet (200′) Southerly from the North-east angle of said Lot;

THENCE South 68 degrees 35 minutes 10 seconds West parallel to the Northerly limit of said Lot, one hundred and fifty feet (150′);

THENCE North 20 degrees 33 minutes 50 seconds West parallel to the Easterly limit of said Lot, two hundred feet (200′) to the Northerly limit thereof;

THENCE South 68 degrees 35 minutes 10 seconds West along the Northerly limit of said Lot, sixty-six feet (66′);

THENCE South 20 degrees 33 minutes 50 seconds East parallel to the Easterly limit of said Lot, two hundred feet (200′);

THENCE South 68 degrees 35 minutes 10 seconds West parallel to the Northerly limit of said Lot, one hundred and fifty feet (150′);

THENCE South 20 degrees 33 minutes 50 seconds East parallel to the Easterly limit of said Lot, thirty-nine and ninety-one one-hundredths feet (39.91′);

THENCE South 68 degrees 35 minutes 10 seconds West parallel to the Northerly limit of said Lot, three hundred feet (300′);

THENCE North 20 degrees 33 minutes 50 seconds West parallel to the Easterly limit of said Lot, two hundred and thirty-nine and ninety-one one-hundredths feet (239.91′) to the Northerly limit thereof;

THENCE South 68 degrees 35 minutes 10 seconds West along the Northerly limit of said Lot, one thousand three hundred and thirty-seven and twenty one-hundredths feet (1,337.20′) to the place of beginning.

CONTAINING by admeasurement 100.91 acres be the same more or less.

SECONDLY:

Part of Lot Number Two (2), Concession "C", formerly in the Township of London, which parcel may be more particularly described as follows:

PREMISING that all bearings are astronomic and are referred to the bearing of North 69 degrees 35 minutes 10 seconds East of the Southerly limit of said Lot Number Two (2);

COMMENCING in the Southerly limit of said Lot at a point distant three hundred feet (300′) Westerly therealong from the South-east angle thereof;

THENCE South 68 degrees 35 minutes 10 seconds West along the Southerly limit of said Lot, three hundred and sixty-five and fifty-five one-hundredths feet to the fence marking the West limit of the East 20 acres of the South 60 acres of said Lot Number Two (2);

THENCE North 68 degrees 50 minutes West along said fence, two thousand six hundred and forty and ninety one-hundredths feet (2,640.90′);

THENCE North 68 degrees 58 minutes 10 seconds East, six hundred and sixty-one and eighty-eight one-hundredths feet (661.88′) to the Easterly limit of said Lot Number Two (2);

THENCE South 20 degrees 29 minutes 50 seconds East along the Easterly limit of said Lot, two thousand four hundred and eighty-six and forty-nine one-hundredths feet (2,486.49′) to a point distant one hundred and fifty feet (150′) Northerly from the South-east angle of said Lot;

THENCE South 68 degrees 35 minutes 10 seconds West parallel to the Southerly limit of said Lot, three hundred feet (300′);

THENCE South 20 degrees 29 minutes 50 seconds East parallel to the Easterly limit of said Lot, one hundred and fifty feet (150′) to the place of beginning.

CONTAINING by admeasurement 39.17 acres be the same more or less.

SCHEDULE B

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of London, formerly in the Township of London, in the County of Middlesex and the Province of Ontario, and being composed of:

FIRSTLY:

Containing by admeasurement one hundred (100) acres, be the same more or less, being composed of the North half of Lot Number One (1), in Concession "B", in the said City of London, formerly the Township of London, and is butted and bounded as follows, that is to say:

COMMENCING at the North-west angle of said Lot Number One (1);

THENCE North Sixty-eight (68) degrees thirty (30) minutes East, one thousand nine hundred and sixty-three and fifty one-hundredths feet (1,963.50′) more or less to the allowance for road forming the Eastern boundary of the said City;

THENCE South twenty-one (21) degrees thirty (30) minutes East, two thousand two hundred and eighteen and twenty-six one-hundredths feet (2,218.26′) more or less to land sold to one Schrambling;

THENCE South sixty-eight (68) degrees thirty (30) minutes West, one thousand nine hundred and sixty-three and fifty one-hundredths feet (1,963.50′) more or less to the Western limit of said Lot;

THENCE North twenty-one (21) degrees thirty (30) minutes West, two thousand two hundred and eighteen and twenty-six one-hundredths feet (2,218.26′) to the place of beginning.

SECONDLY:

That part of Lot Number One (1), in Concession "B", in the City of London, formerly the Township of London, which may be more particularly described as follows:

COMMENCING at a standard iron bar planted on the North-easterly angle of the South half of the said Lot;

THENCE South along the Easterly limit of the said Lot, being the Westerly limit of Crumlin Sideroad, a distance of five hundred and seventy-nine and sixty-two one-hundredths feet (579.62′) to a point;

THENCE Westerly parallel with the North limit of the said Lot, one hundred and fifty feet (150′);

THENCE Southerly parallel with the East limit a distance of six hundred and five and twenty one-hundredths feet (605.20′) to a point;

THENCE Westerly parallel to the Southerly boundary of the said Lot, three hundred and nine feet (309′) to a point;

THENCE Northerly and parallel to the East limit of the said Lot, forty-two feet (42′) to a point;

THENCE Westerly and parallel to the Southern boundary of the said Lot to a point in a line drawn parallel to the East limit of the said Lot and at such distance as to be the Westerly limit of the East thirty (30) acres of even depth of the North half of the South half of the said Lot;

THENCE Northerly and parallel to the East limit to a point in a line between the North and South halves of said Lot;

THENCE Easterly along the line between the North and South halves of said Lot to the point of commencement; which lands were formerly described as the North half of the South half of the said Lot Number One (1).

SCHEDULE C

ALL THAT PORTION of Carling Street, Registered Plan 61 and Lots 16, 17 and 18, north of Dundas Street, in the City of London, in the County of Middlesex, in the Province of Ontario, having an area of 60,193.52 square feet, more or less, and described as follows:

PREMISING that all bearings herein are astronomic and are referred to the meridian in longitude 82 degrees 30 minutes west;

COMMENCING at a point in the southerly limit of the said Lot 18 distant 292.03 feet measured north 68 degrees 33 minutes 16 seconds east along the northerly limit of Dundas Street from the easterly limit of Ridout Street;

THENCE north 68 degrees 33 minutes 16 seconds east along the southerly limit of the said Lots 18, 17 and 16, 250.83 feet, more or less, to a line drawn parallel to the westerly limit of Talbot Street, and distant 5.00 feet measured westerly and perpendicularly therefrom;

THENCE north 21 degrees 12 minutes 56 seconds west along the said parallel line 216.58 feet;

THENCE north 21 degrees 49 minutes 30 seconds west continuing along the said parallel line 23.20 feet;

THENCE south 68 degrees 33 minutes 16 seconds west parallel to the northerly limit of Dundas Street 251.04 feet, more or less, to a line drawn parallel to the easterly limit of Ridout Street through the point of commencement;

THENCE south 21 degrees 19 minutes 25 seconds east along the last-mentioned parallel line 239.77 feet, more or less, to the point of commencement.

CHAPTER 149

An Act respecting the City of Niagara Falls

Assented to May 9th, 1974

Preamble

WHEREAS The Corporation of the City of Niagara Falls, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 6 (*c*), re-enacted

1. Clause *c* of section 6 of *The Greater Niagara Transit Commission Act, 1960-61*, being chapter 112, is repealed and the following substituted therefor:

R.S.O. 1970, cc. 202, 392

(*c*) subject to *The Highway Traffic Act* and *The Public Vehicles Act*, and in so far as the Legislative authority of the Legislature extends to confer such power, to transport and convey passengers throughout, and to and from, and outside Ontario, whether by chartered trip or otherwise.

Pedestrian promenades authorized

2.—(1) The council of the Corporation may pass by-laws for establishing any part or parts of Queen Street between the west limit of Ontario Avenue and the east limit of Crysler Avenue and any part or parts of St. Clair Avenue between the north limit of Huron Street and the south limit of Park Street solely or principally as pedestrian promenades for such period or periods between the 15th day of June and the 15th day of September in any year, as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use and obstruction thereof by such persons and in such manner and to such extent as the said council may consider desirable.

Application of R.S.O. 1970, c. 284, s. 466

(2) Section 466 of *The Municipal Act* applies to any by-law enacted pursuant to subsection 1 or 3.

By-laws

(3) The council of the Corporation with respect to any pedestrian promenade established under subsection 1 may pass by-laws,

(*a*) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;

(*b*) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on lands adjacent thereto;

(*c*) prohibiting or regulating and licensing any display, exhibition or advertising thereon;

(*d*) providing for the issue of licences with respect to any of the foregoing uses, including the authorization of the issue of licences by such official or officials of the Corporation as may be named in the by-law and for prescribing the fees for such licences.

Effect on licences issued by Corporation

(4) Where a by-law has been passed by the council of the Corporation prohibiting any of the uses set forth in clause *a*, *b* or *c* of subsection 3, the council may in the same or by separate by-law provide that any licence issued by the Corporation respecting any such use shall not be effective to permit such use on any pedestrian promenade established under this section.

Lands vested in Corporation

3. The lands described in the Schedule hereto are hereby vested in the Corporation in fee simple clear of and free from all right, title and interest other than that of the Corporation.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Niagara Falls Act, 1974*.

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Niagara Falls, in The Regional Municipality of Niagara, formerly in the Township of Willoughby, in the County of Welland and being composed of:

Firstly:

Lots Nos. 31 to 39 inclusive, 46 to 60 inclusive, 73 to 78 inclusive, 97 to 103 inclusive, 121, 140, 143 to 149 inclusive, 167 to 171 inclusive, 178 to 201 inclusive, 208 to 215 inclusive, 222 to 245 inclusive and 274 to 280 inclusive, all according to the Alexander Park Plan of subdivision registered in the Registry Office for the Registry Division of the County of Welland as Plan No. 4 for the Township of Willoughby and now known as Plan No. 337.

Secondly:

Lots Nos. 151 to 180 inclusive and Lot No. 340, all according to the Waverly Heights Plan of subdivision registered in the Registry Office for the Registry Division of the County of Welland as Plan No. 5 for the Township of Willoughby and now known as Plan No. 338.

CHAPTER 150

An Act respecting The Niagara Peninsular Railway Company

Assented to April 26th, 1974

Preamble

WHEREAS The Niagara Peninsular Railway Company, herein called the Company, hereby represents that it is a body corporate under the laws of the Province of Ontario, incorporated on the 20th day of April, 1907, by the Statutes of Ontario, 1907, being chapter 102, for the purpose of constructing and operating a railway line in the Village of Port Colborne and in the townships of Humberstone and Wainfleet; and whereas the Company has disposed of all its assets, effects and properties, real and personal and is now inoperative; and whereas the applicant hereby applies to have the Company dissolved; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Niagara Peninsular Railway Company dissolved

1. The Niagara Peninsular Railway Company is hereby dissolved.

Repeals

2. The following are repealed:

1. *An Act to incorporate The Niagara Peninsular Railway Company*, being chapter 102 of the Statutes of Ontario, 1907.

2. *An Act respecting the Niagara Peninsular Railway Company*, being chapter 137 of the Statutes of Ontario, 1909.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Niagara Peninsular Railway Company Act, 1974*.

CHAPTER 151

An Act respecting the Borough of North York

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the Borough of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Historical board authorized

1. The council of the Corporation may by by-law establish a board to be known as "The North York Historical Board", hereinafter called the historical board, and may entrust to the historical board the construction, maintenance, control, operation and management of historic sites and properties owned or acquired by the Corporation within the Borough of North York.

Incorporation and members

2. The historical board shall be a local board and a body politic and corporate and shall consist of a member of council, a member of the board of control and fifteen other members, each of whom shall be appointed by council on the nomination of the board of control, and no appointment shall be made by the council in the absence of such nomination except on the affirmative vote of at least two-thirds of the members of council present and voting.

Idem

3. The member of the board of control and the member of council may be appointed for the whole or any part of the unexpired part of their term as members of council and the fifteen other members, who shall not be members of council, shall be appointed for not more than three years.

Term of office

4. Of the fifteen other members of the first historical board, five shall be appointed for the period ending the 31st day of December, 1974, five for the period ending the

31st day of December, 1975, and five for the period ending the 31st day of December, 1976.

Idem

5. In the year 1975 and in each year thereafter, five members shall be appointed and shall continue to be members until their successors are appointed, and shall be eligible for reappointment.

Vacancy

6. In the case of a vacancy from any cause other than the expiration of the term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.

Historic sites

7. The council of the Corporation may acquire historic sites and properties and may provide the necessary funds for the objects of the historical board.

Powers of historical board R.S.O. 1970, c. 26

8. Subject to *The Archaeological and Historic Sites Protection Act*, and to such limitations and restrictions as the council may impose, the historical board may,

(*a*) make rules governing its proceedings, the calling of meetings and the conduct of its members and employees;

(*b*) appoint a chairman and such other officials and employees as may be deemed necessary;

(*c*) require the payment of fees or charges for admission to or the use of properties under its control or supervision and fix such fees and charges;

(*d*) sell or distribute objects and literature of historical significance or interest, and sell, within the properties under its control or supervision, souvenirs, articles and refreshments at such prices as the historical board may decide;

(*e*) fix visiting hours when any of the properties under its supervision may be open;

(*f*) represent the Corporation in matters of historical significance assigned to it by council;

(*g*) mark or supervise the marking of historic sites and properties designated by council within the municipality;

(*h*) negotiate and enter into agreements with property owners relating to the erection and main-

tenance of historical markers on properties not owned by the Corporation;

(*i*) produce, copy and distribute historical publications and documents relating to the history of the Borough of North York;

(*j*) carry out such other duties relating to the history and development of the Borough of North York as may be assigned to it by council.

Remuneration

9. The members of the historical board shall serve without remuneration.

Seat to become vacant by absence

10. A member shall cease to be a member of the historical board if he absents himself from three successive meetings of the historical board without being authorized so to do by a resolution of the historical board entered upon its minutes.

Quorum

11. A quorum of the historical board shall consist of seven members.

Minutes, documents

12. The historical board shall keep minutes of its meetings, and shall keep all papers and documents pertaining to the business of the historical board, and all books, documents and files kept by the historical board shall be open to the inspection of the members of council or of any other person or persons appointed for that purpose by council.

Budget and expenditures

13. The historical board shall submit to the board of control an annual budget of its estimated revenues and expenditures in a form satisfactory to the borough treasurer, and when money is provided by council, the treasurer shall pay out such money as the historical board may from time to time require.

Insurance

14. The historical board shall deposit and keep on deposit with the borough treasurer insurance policies indemnifying the Corporation against public liability and property damage in respect of the properties under the control or supervision of the historical board.

Annual report

15. Immediately after the end of each year, the historical board shall submit its annual report to council, including a complete audited and certified financial statement of its affairs, with revenue and expense account, balance sheet and profit and loss statement.

Audit

16. The borough auditor shall be the auditor of the historical board and all books, documents, transactions, minutes and accounts of the historical board shall at all times be open to his inspection.

Payment of expenses

17. The historical board shall apply the revenue received by it to the payment of its expenses in the performance of its functions, provided that it may apply any funds donated to the historical board by a private donor to the specific purpose designated by the donor.

Net revenue

18. Except as to any funds received from a private donor for a specific purpose, the historical board shall pay over any net revenue to the Corporation.

Debentures and acquisition of land

19. The powers, rights and authority of the Corporation to acquire lands or to raise money for the acquisition of lands or the construction of buildings shall not be transferred to the historical board.

Amendment or repeal of by-law

20. The council of the Corporation may by by-law repeal or amend from time to time any by-law passed under the authority of this Act and, upon the passing of a by-law to repeal, the historical board shall cease to exist and the whole of its undertaking, property, documents and other assets shall be and become vested in the Corporation, and be subject to the control and management of council, and for such purpose it shall not be requisite that any conveyance, transfer or assignment be executed or made.

Commencement

21. This Act comes into force on the day it receives Royal Assent.

Short title

22. This Act may be cited as *The Borough of North York Act, 1974*.

CHAPTER 152

An Act respecting the Town of Oakville

Assented to May 9th, 1974

Preamble

WHEREAS The Corporation of the Town of Oakville, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Pedestrian promenade, Lakeshore Road

1.—(1) The council of the Corporation may pass by-laws for establishing that part of Lakeshore Road in the Town of Oakville between the westerly limit of Allan Street and the easterly limit of Navy Street or any part or parts thereof solely or principally as a pedestrian promenade for such period or periods between the 15th day of June and the 15th day of September in the year 1974 as the council may determine, and for prohibiting the use thereof by vehicles or any class thereof except to such extent and for such period or periods as may be specified and for permitting the use of the said part or parts of Lakeshore Road and the obstruction thereof by such persons and in such manner and to such extent as the council may consider desirable.

Approval

(2) No by-law passed under subsection 1 shall come into force without the approval of the Minister of Transportation and Communications.

Injuring or destroying trees prohibited except with consent of council

2. The council of the Corporation may pass by-laws for,

(*a*) prohibiting the injuring of trees;

(*b*) prohibiting the destruction of trees of kinds and sizes specified in the by-law except with the consent of the Corporation, such consent not to be

refused if the effect of the refusal would be to deny the owner the right to use his land for any building, structure, highway, sanitary sewer, storm sewer, watermain, or electrical distribution system for the construction of which all requisite governmental approvals have been obtained.

Exception

3. A by-law passed pursuant to section 2 does not interfere with any rights or powers of Ontario Hydro or of any board or commission that is performing its functions for or on behalf of the Government of Ontario or of The Regional Municipality of Halton.

Penalties and enforcement R.S.O. 1970, c. 284

4. Part XXI of *The Municipal Act* applies to any by-law passed under section 2.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Town of Oakville Act, 1974*.

CHAPTER 153

An Act respecting the City of Orillia

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Orillia, herein called the Corporation, hereby represents that it wishes to enter into an agreement with the Orillia Water, Light and Power Commission, herein called the Commission, whereby the administration, responsibilities, personnel and facilities of the municipal waterworks system and the municipal sanitary sewer system would be transferred by the Commission to the Corporation; that it is desirable that the council of the Corporation have the authority to pass a by-law without the assent of the municipal electors authorizing the Corporation to enter into such an agreement; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Council may pass by-law

1. The council of the Corporation may pass a by-law, without the assent of the municipal electors, authorizing the Corporation to enter into an agreement, in the form set out in the Schedule hereto, with the Commission providing for the transfer of the administration, responsibilities, personnel and facilities of the municipal waterworks system and the municipal sanitary sewer system from the Commission to the Corporation.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Orillia Act, 1974*.

SCHEDULE

TRANSFER AGREEMENT

THIS INDENTURE made in triplicate as of the 1st day of February, 1974,

BETWEEN:

THE CORPORATION OF THE CITY OF ORILLIA

(hereinafter called "the Corporation")

OF THE FIRST PART;

— and —

THE ORILLIA WATER, LIGHT AND POWER COMMISSION

(hereinafter called "the Commission")

OF THE SECOND PART.

WHEREAS by By-law Number 557 passed by The Corporation of the Town of Orillia on the 23rd day of January, 1913, responsibility for water works systems in the municipality were transferred to the Commission;

AND WHEREAS by By-law Number 970 passed by The Corporation of the Town of Orillia on the 17th day of December, 1929, responsibility for the sewerage system in the municipality was transferred to the Commission;

AND WHEREAS the Corporation and the Commission have agreed to transfer the administration, responsibilities, personnel and facilities of the municipal water works system and the municipal sanitary sewer system back to the Corporation upon such terms and conditions as the Commission and the Corporation may reach by Agreement.

NOW THEREFORE the parties hereto in consideration of the Mutual Covenants and conditions herein contained covenant and agree with one another as follows:

1. Transfer

The Commission agrees to transfer to the Corporation and the Corporation agrees to accept, the administration, responsibilities, personnel and facilities of the municipal water works system and the municipal sanitary sewer system all in accordance with the covenants and conditions herein contained.

2. Effective Date

The effective date of this transfer shall be as of the 30th day of June, 1974.

3. Personnel Benefits

Upon the transfer of personnel from the Commission to the Corporation, the Corporation agrees that the employees so transferred shall receive all employee benefits at least equal to those benefits which they now receive as employees of the Commission.

4. Assets and Liabilities

The parties hereto agree that as of the effective date, the assets and liabilities of the Commission with respect to the municipal water works system and the municipal sanitary sewer system shall be determined and transferred to the Corporation subject to ratification by audit.

5. Union Representation

The Corporation and the Commission acknowledge that the City of Orillia Public Works employees are members of the Canadian Union of Public Employees and that the sewer and water employees of the Commission, that are being transferred to the Corporation, are members of the International Brotherhood Electrical Workers Union.

6. Additional Documentation

The Corporation and the Commission agree to execute such further and other documents as may be necessary to give effect to the transfer provided for herein.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day of , 19 .

THE CORPORATION OF THE CITY OF ORILLIA

.....
Mayor

.....
Clerk

ORILLIA WATER, LIGHT AND POWER COMMISSION

.....
Chairman

.....
Secretary-Treasurer

CHAPTER 154

An Act respecting the City of Ottawa

Assented to June 3rd, 1974

Preamble

WHEREAS The Corporation of the City of Ottawa, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this section, "taxi-cab broker" means a taxi-cab broker as defined in clause *a* of paragraph 6 of section 377 of *The Municipal Act*. R.S.O. 1970, c. 284

Council may enact by-laws

(2) By-laws may be enacted by the council of the Corporation,

1. subject to section 5, prohibiting taxi-cab brokers from operating within the City of Ottawa;

2. limiting the number of taxi-cab brokers licensed by the Corporation;

3. regulating and controlling stand rents and prohibiting the charging of stand rents in excess of those permitted in any such by-law;

4. regulating and controlling taxi-cab rents and prohibiting the charging of rents in excess of those permitted in any such by-law;

5. authorizing the use of a standard form of rental agreement for all stand rentals, which form shall be attached to such by-law as a part thereof and providing that no stand rental agreement shall be binding on the parties thereto unless in the form attached to such by-law;

6. authorizing the use of a standard form of rental agreement for all taxi-cab rentals which form shall be attached to such by-law as a part thereof and providing that no taxi-cab rental agreement shall be binding on the parties thereto unless in the form attached to such by-law;

7. prohibiting any person from entering into a stand rental agreement or a taxi-cab rental agreement which deviates from the agreements referred to in paragraphs 5 and 6;

8. requiring the establishment, regulation and maintenance of a taxi-cab driver's record book;

9. authorizing the Corporation,

   (*a*) to enter into agreements in respect of the establishment, operation and maintenance of a central dispatch system for taxi-cabs, and of the sharing of the profits thereof;

   (*b*) to pay such costs of capital equipment or operation charges in respect of the agreements referred to in clause *a* as may be considered appropriate by the Corporation; and

   (*c*) providing for the charging of the costs of capital equipment and operating expenses referred to in clause *b* to revenue;

10. authorizing,

   (*a*) the Corporation to establish, operate and maintain a central dispatch system for taxi-cabs alone or jointly with other persons;

   (*b*) the provision of funds required to establish, operate and maintain a central dispatch system, by the Corporation alone or jointly with other persons; and

   (*c*) the staffing by employees of the Corporation of a central dispatch system operated and maintained by the Corporation alone or jointly with other persons;

11. authorizing the Corporation to enter into agreements with owners of taxi-cabs for the use of the central dispatch system by their taxi-cabs;

12. authorizing the Corporation to enter into agreements with persons to provide taxi-cab service, and providing for the recovery and collection of all debts due the Corporation arising from failure to make payment of any charges arising out of any such agreement in the same manner and to the same extent as provided in section 469 of *The Municipal Act*; R.S.O. 1970, c. 284

13. authorizing the Corporation to enter into agreements with the operators of credit card systems, whereby they will make payment of charges made through their system or guarantee payment thereof;

14. subject to sections 2 to 4, authorizing the Corporation to acquire by purchase the business of each taxi-cab broker operating within the City of Ottawa on the day the by-law is passed.

2. Where a by-law is passed under paragraph 14 of subsection 2 of section 1, Procedure where by-law passed under s. 1 (2), par. 14

(*a*) the Corporation shall, either by personal service or by prepaid registered mail, give notice in writing to the owner of each taxi-cab broker business operating in the City of Ottawa of the passing of the by-law and of the Corporation's intention to acquire the business of the taxi-cab broker; and

(*b*) the Corporation and the owner of each such taxi-cab broker business shall determine the fair market value of the taxi-cab broker business as a going concern as of the date of the giving of the notice of intention to acquire the business,

(i) by agreement between the Corporation and the owner of the taxi-cab broker business, or

(ii) failing agreement under subclause i, by arbitration under *The Arbitrations Act*, all of the provisions of which apply as if the arbitration were pursuant to a submission under that Act, except in so far as this Act is inconsistent therewith. R.S.O. 1970, c. 25

3. Where the Corporation and the owner of a taxi-cab broker business are unable to reach agreement under subclause i of clause *b* of section 2, either party may serve upon the other notice in writing that it desires the fair market value of the business to be determined by a board Notice requiring arbitration

of arbitration and each party shall, within seven days of the serving of the notice appoint a member, and a third member, who shall be chairman, shall be appointed within a further seven days by the two members so appointed.

Payment of market value and vesting of business in Corporation

4. Where the fair market value of a taxi-cab broker business has been determined either by agreement under subclause i of clause *b* of section 2 or by arbitration under subclause ii of clause *b* of section 2, the Corporation shall pay the full amount thereof to the owner of the business and upon such payment the business of such taxi-cab broker thereupon vests in the Corporation.

When by-law passed under s. 1 (2), par. 1, comes into force

5. No by-law passed under paragraph 1 of subsection 2 of section 1 comes into force or has effect until the business of each taxi-cab broker operating in the City of Ottawa has been acquired by the Corporation pursuant to a by-law passed under paragraph 14 of subsection 2 of section 1 and each such business has become vested in the Corporation under section 4.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The City of Ottawa Act, 1974*.

CHAPTER 155

An Act respecting The Presbyterian Church Building Corporation

Assented to April 26th, 1974

Preamble

WHEREAS The Presbyterian Church Building Corporation, herein called the Company, hereby represents that it was incorporated on the 4th day of May, 1968, as a private company under the provisions of Part II of the *Corporations Act* (Canada); that the nature of the work to be undertaken by it is charitable and not for the purposes of private gain or profit, namely to assist in the advancement of religion and education, the relief of poverty and other charitable activities of The Presbyterian Church in Canada, within Canada, and to undertake and assist in the financing, and to guarantee repayment of money lent to finance or assist in the financing of the acquisition of lands and buildings and all accessory structures and facilities for The Presbyterian Church in Canada; that the operations of the Company are intended to replace the operations of:

R.S.C. 1970, c. C-32

The Corporation of the Presbytery of Ottawa of The Presbyterian Church in Canada,

The Corporation of the Synod of Toronto and Kingston of The Presbyterian Church in Canada, and

The Corporation of the Synod of Hamilton and London of The Presbyterian Church in Canada,

herein called the Corporations, carried on for the same or similar objects; that the Corporations desire that the whole of their undertaking, including all of their assets and liabilities be transferred to the Company; that the Corporations desire to be dissolved; that The Trustee Board of The Presbyterian Church in Canada with the concurrence of the General Assembly of The Presbyterian Church in Canada desires that all the assets of the Corporations be transferred to the Company; and whereas, the Company hereby applies for special legislation to effect such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Vesting of property in the Company

1.—(1) All property, real and personal, and the undertaking and assets, with all the rights, powers and privileges and immunities vested in, owned, held, possessed or enjoyed by the Corporations are hereby vested in the Company without the necessity of any further or other grant, conveyance, transfer, assignment or vesting thereof subject to the provisions of this Act, and the Company hereby becomes and is responsible for all debts, liabilities and obligations of the Corporations.

Vesting of gifts, devises, etc., in Company

(2) Without limiting the generality of subsection 1, all gifts, devises, deeds, conveyances, transfers and leases of any real property or of any interest therein and all gifts, bequests, assignments, loans and transfers of any personal property or of any interest therein, which have been or shall hereafter be made or intended for the Corporations or any of them are hereby vested in the Company as fully and effectually as if such gift, devise, deed, conveyance, transfer, lease, loan, bequest or assignment had been made to the Company, but any property, real or personal, relating to or vested in the Corporations or any of them for any special purposes or trusts shall be held by the Company for such purposes and trusts and with, under and subject to the same powers, obligations and provisions as are in force or declared under any statute, deed or other instrument affecting such property respectively, and any property, real or personal, hereafter given, devised, bequeathed, assigned or transferred to or intended for the Corporations or any of them shall vest in the Company and shall be held for the purposes and trusts and with, under and subject to the powers, obligations and provisions as are declared under any statute, deed or other instrument affecting such property respectively, and the Corporations and each one of them are hereby relieved of any liability in respect of such property under any such statute, deed or other instrument.

Corporations dissolved

2. The Corporations are hereby dissolved, except so far as is necessary to give full effect to this Act.

Repeals

3. The following are repealed:

1. *The Corporation of the Synod of Toronto and Kingston of The Presbyterian Church in Canada Act, 1958*, being chapter 131.

2. *The Corporation of the Synod of Hamilton and London of The Presbyterian Church in Canada Act, 1959*, being chapter 114.

3. *The Corporation of the Presbytery of Ottawa of The Presbyterian Church in Canada Act, 1960*, being chapter 139.

4. This Act comes into force on the day it receives Royal Assent. Commencement

5. This Act may be cited as *The Presbyterian Church Building Corporation Act, 1974*. Short title

CHAPTER 156

An Act respecting Root's Dairy, Limited

Assented to April 26th, 1974

Preamble

WHEREAS John Weymark Root, Thomas Howard Root, and Margaret Louise Pittaway hereby represent that Root's Dairy Limited, herein called the Corporation, was incorporated by letters patent dated the 14th day of August, 1946; that the Provincial Secretary by order made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the corporation and declared it to be dissolved on the 16th day of March, 1967; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Root's Dairy, Limited revived

1. Root's Dairy, Limited incorporated by letters patent dated the 14th day of August, 1946, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Root's Dairy, Limited Act, 1974*.

CHAPTER 157

An Act respecting Savings and Investment Trust

Assented to April 26th, 1974

Preamble

WHEREAS Savings and Investment Trust, hereinafter called the Company, hereby represents that, by a Special Act of the National Assembly of the Province of Quebec which came into force on the 1st day of January, 1974, the Company was constituted under the name of "Fiducie Prêt et Revenu", in French, and in English "Savings and Investment Trust", by the amalgamation of Savings and Investment Trust, hereinafter called the Trust, a corporation incorporated under the laws of the Province of Quebec by letters patent dated the 6th day of October, 1960, and Savings and Investment Ltd., hereinafter called the Corporation, a corporation incorporated by a Special Act of the National Assembly of the Province of Quebec, being Chapter 137 of the Statutes of the Province of Quebec 1966-67; that prior to the 1st day of January, 1974, the Corporation was registered as an issuer under *The Investment Contracts Act* and the Company desires to terminate such registration; that prior to the 1st day of January, 1974, the Trust was registered as a trust company under *The Loan and Trust Corporations Act* and the Company desires to continue such registration; and whereas the Company hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.O. 1970, cc. 226, 254

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Assent to amalgamation

1. The Royal Assent to this Act shall be deemed the assent of the Lieutenant Governor in Council to the amalgamation of the Trust and the Corporation under subsections 2 and 3 of section 110 of *The Loan and Trust Corporations Act*.

Certificate

2. The Minister of Consumer and Commercial Relations shall issue a certificate under his hand and seal certifying

the assent of the Lieutenant Governor in Council and declaring the amalgamation of the Trust and the Corporation effective the 1st day of January, 1974, and the name of the Company together with such other matters, if any, as appear to him necessary or desirable in the public interest and such certificate shall be deemed to have been issued under subsection 1 of section 111 of *The Loan and Trust Corporations Act*.

R.S.O. 1970, c. 254

Registration terminated R.S.O. 1970, c. 226

3. The registration of the Corporation as an issuer under *The Investment Contracts Act* is terminated.

Company registered under R.S.O. 1970, c. 254

4. The Company is eligible for registration and is registered as a trust company under *The Loan and Trust Corporations Act* and shall be subject to all the provisions of the Act and regulations issued thereunder in so far as they are applicable to a registered trust company which is not a provincial trust company.

Commencement

5. This Act shall be deemed to have come into force on the 1st day of January, 1974.

Short title

6. This Act may be cited as *The Savings and Investment Trust Act, 1974*.

CHAPTER 158

An Act respecting St. Catharines Slovak Club Limited

Assented to April 26th, 1974

Preamble

WHEREAS Branch 31 of the Canadian Slovak League, a fraternal benefit society incorporated by Special Act of the Parliament of Canada, 2-3 Elizabeth II, chapter 76, Stephen Reistetter, John Fejedelem, Joseph Kozela, Joseph Kravec and Joseph Dobransky hereby represent that St. Catharines Slovak Club Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 7th day of February, 1952; that the Provincial Secretary, by order dated the 12th day of August, 1965, and made under the authority of subsection 2 of section 326 of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 16th day of September, 1965; that the applicants are all the directors and holders of all the common shares of the Corporation; that the Corporation at the time of its dissolution was and is now carrying on its affairs at premises known municipally as 79 Page Street, St. Catharines, Ontario, being a cultural centre for the Slovak community in St. Catharines and environs; and whereas the applicants hereby apply for special legislation reviving the Corporation and restoring to it all its assets, lands and building; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

St. Catharines Slovak Club Limited revived

1. St. Catharines Slovak Club Limited, incorporated by letters patent dated the 7th day of February, 1952, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The St. Catharines Slovak Club Limited Act, 1974*.

CHAPTER 159

An Act respecting the Town of Strathroy

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the Town of Strathroy hereby represents that the Strathroy Recreation Committee was established by By-law 4-71G of the Town of Strathroy and that the Strathroy Board of Parks Management was established by By-law 1408 of the Town of Strathroy; and whereas The Corporation of the Town of Strathroy hereby represents that it is desirous of establishing a Parks, Community Centre and Recreation Commission for the better development and supervision of its public parks, its recreation facilities and its community centre or centres and for such purposes to charge the Commission with the duties and responsibilities and give it the powers and privileges of the Strathroy Board of Parks Management and the Strathroy Recreation Commission, established under *The Public Parks Act* and *The Department of Education Act*; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

R.S.O. 1970. cc. 384, 111

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Commission" means The Strathroy Parks, Community Centres and Recreation Commission;

(*b*) "Council" means the council of the Town of Strathroy;

(*c*) "Town" means The Corporation of the Town of Strathroy.

Parks, Community Centre and Recreation Commission established

2.—(1) Notwithstanding *The Ministry of Community and Social Services Act*, *The Public Parks Act* and *The Community Centres Act*, there shall be a commission which shall

R.S.O. 1970. cc. 73, 120

be known as The Strathroy Parks, Community Centres and Recreation Commission, and shall be composed of,

(*a*) two members of Council to be appointed by the Council, one of whom shall be the mayor or his delegate who shall also be a member of Council; and

(*b*) seven other persons appointed by the Council who shall be qualified to be elected as members of Council, but not members of Council.

Term of office

(2) The members of the Commission who are not members of the Council shall hold office for three years, provided that, on the first appointment, the Council shall designate which member shall hold office,

(*a*) until the 1st day of January of the year next following the date of his appointment;

(*b*) until the 1st day of January of the second year next following the date of his appointment; and

(*c*) until the 1st day of January of the third year next following the date of his appointment,

respectively.

Appointment of council members

(3) The members of the Commission who are members of Council shall be appointed to correspond with their term of office.

Reappointment

(4) The members of the Commission shall hold office until their successors are appointed, and, except in the case of members of Council, are eligible for appointment for two full three-year terms.

Vacancy

(5) Where a member ceases to be a member of the Commission before the expiration of his term of office, the Council shall appoint another qualified person for the unexpired portion of the term of the member being replaced.

When appointments to be made

(6) The first appointments of members of the Commission shall be made by the Council immediately upon the coming into force of this Act, and thereafter the appointments shall be made annually at the first meeting of the Council in any year, and any vacancy arising from any cause other than the expiration of the term for which a member was appointed shall be filled at the first meeting of the Council held after the vacancy occurs.

Quorum

(7) A majority of the members of the Commission constitutes a quorum.

(8) At its first meeting in every year, the Commission shall elect a chairman and a vice-chairman from among the members of the Commission, and in the absence of the chairman, the vice-chairman shall preside and the Commission shall appoint a secretary, who may, but need not, be a member of the Commission. Chairman, etc.

(9) The chairman, vice-chairman and secretary shall hold office at the pleasure of the Commission or for such a period as the Commission may prescribe. Term of office

(10) When the chairman, vice-chairman or secretary is absent or unable to act, the Commission may appoint a chairman or secretary *pro tempore*. Absence

(11) The Commission may engage such employees and consultants as it considers expedient. Staff

(12) The Treasurer of the Town shall be the treasurer of the Commission. Treasurer

3. The members of the Commission shall be paid such remuneration as Council may determine. Remuneration

4. Except as otherwise provided in this Act, *The Ministry of Community and Social Services Act* and the regulations made thereunder, *The Community Centres Act* and the regulations made thereunder and *The Public Parks Act*, except the provisions constituting a Board of Park Management as a corporation and authorizing such a Board to acquire and hold land, apply to the Commission as if it has been established in accordance with such Acts and regulations. Application of R.S.O. 1970, cc. 120, 73, 384

5.—(1) When the first members of the Commission have been appointed, The Strathroy Recreation Committee and The Strathroy Board of Park Management are dissolved, and the assets and liabilities thereof become the assets and liabilities of the Commission. Dissolution of former bodies

(2) All by-laws hereinbefore passed in so far as they are inconsistent with the provisions of this Act are hereby repealed or amended so as to give full force and effect to this Act. By-laws

6. The Commission may contract and may sue and be sued in its own name. Commission may sue and be sued

7.—(1) The Commission shall, on or before the 15th day of February in each year, submit to the Council an itemized Estimates

R.S.O. 1970, c. 384

estimate of its financial requirements for the year, and subject to the provisions of *The Public Parks Act*, the Council may amend such estimate and shall pay out of the moneys appropriated for the Commission such amounts as may be requisitioned from time to time by the Commission.

Moneys for designated purpose

(2) Where any moneys have been included in the estimates of the Commission for a designated purpose, they shall be used by the Commission only for such designated purpose.

Powers and duties of Commission

8. The Commission shall operate, maintain, manage and develop on behalf of the Town all recreational centres, parks, playgrounds and other real property of a like nature vested in or leased by the Town and used or designed for recreational purposes and shall be in charge of, manage and make available for recreational purposes all recreational equipment, recreational facilities and other personal property belonging to the Town and used or designated for recreational purposes.

Idem

9. The Commission shall operate, maintain and manage on behalf of the Town all properties which are now or which may hereafter be established as community centres pursuant to *The Community Centres Act*, or the regulations made thereunder.

R.S.O. 1970, c. 73

Commencement

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Town of Strathroy Act, 1974*.

CHAPTER 160

An Act respecting Tara Exploration and Development Company Limited

Assented to April 26th, 1974

Preamble

WHEREAS Tara Exploration and Development Company Limited, hereinafter called the Corporation, hereby represents that it is a corporation incorporated by letters patent dated March 18th, 1953, under the provisions of *The Companies Act*, being chapter 59 of the Revised Statutes of Ontario, 1950; that supplementary letters patent and a certificate of amendment of articles have subsequently issued to the Corporation; and that the Corporation is not a resident and does not carry on any business in Ontario; and whereas the Corporation desires to be continued under the jurisdiction of the Province of New Brunswick; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Application to New Brunswick authorized

1.—(1) The shareholders of the Corporation may authorize an application pursuant to the provisions of *The Companies Act*, being chapter 33 of the Revised Statutes of New Brunswick, 1952, continuing without interruption the Corporation with its identity as a body corporate under the laws of the Province of New Brunswick and with its assets and liabilities unimpaired.

Resolution

(2) Such authorization shall be by resolution of the shareholders of the Corporation passed by at least two-thirds of the votes cast at a general meeting of the shareholders of the Corporation duly called for that purpose.

Contents of information circular

(3) The information circular to be sent to the shareholders in connection with the general meeting mentioned in subsection 2 shall include statements substantially in the form set out in the Schedule hereto.

Application of R.S.O. 1970, c. 53
R.S.N.B., 1952, c. 33

2. On and after the effective date specified in the letters patent issued under *The Companies Act* of the Province of New Brunswick, if such effective date is not later than the 31st day of March, 1975, *The Business Corporations Act*, and any successor thereto, shall not apply to the Corporation and the continuation without interruption of the Corporation with its identity as a body corporate under the laws of the Province of New Brunswick and with its assets and liabilities unimpaired is recognized.

Certificate

3. The Minister of Consumer and Commercial Relations may, upon receipt by him of a certified copy of the letters patent mentioned in section 2, issue a certificate to the Corporation confirming the date on which the provisions of section 2 take effect.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Tara Exploration and Development Company Limited Act, 1974*.

SCHEDULE

A Special Act of the Legislative Assembly of the Province of Ontario has been enacted enabling the Company, subject to shareholder approval by at least two-thirds of the votes cast at the meeting, to make such application for such letters patent.

Shareholders should not conclude that the Legislative Assembly in passing the Special Act either approves or disapproves of the Company's proposal.

Shareholders will recognize that the relocation by the Company to New Brunswick will deprive them, as shareholders, of several particular statutory rights now contained in the Ontario Act. Among such rights are the following:

The right to have a minimum period of notice of a meeting of shareholders of 21 days rather than the minimum of 14 days prescribed under the New Brunswick *Companies Act*;

The right to have meetings of the shareholders requisitioned by the holders of 5 per cent of the voting shares as contrasted with the 10 per cent provided under the New Brunswick *Companies Act*;

The benefit of a statutory standard of conduct for directors and officers;

The right to remove a director from office by a majority vote of the shareholders;

The right to remove an auditor during his term of office by a majority vote of the shareholders;

The right to require the attendance of an auditor at any shareholders' meeting, at the Company's expense;

The right to an audit committee of the board of directors;

The right of any shareholder to apply to the court for the appointment of an inspector to investigate the affairs and management of the Company, as constrasted with the right accruing to the holders of one-quarter of the issued shares provided for in the New Brunswick *Companies Act*;

The right of a shareholder to apply to the court to require the Company or any director or officer thereof to comply with the Act;

The right, in the discretion of the court, to receive notice of the discontinuance or settlement or dismissal for want of prosecution of any representative actions on behalf of the Company to enforce any right of the Company.

CHAPTER 161

An Act respecting the City of Toronto

Assented to June 3rd, 1974

Preamble

WHEREAS The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1936, c. 84, s. 6 (4*a*), amended

1. Subsection 4*a* of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as enacted by the Statutes of Ontario, 1971, chapter 130, section 3, is amended by inserting after "made" in the third line "or upon breach of any term or condition imposed pursuant to subsection 4".

1911, c. 119, s. 18, amended

2. Section 18 of *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, as re-enacted by the Statutes of Ontario, 1958, chapter 160, section 3, is amended by striking out "$12,000" in the fourth line and inserting in lieu thereof "$24,000".

Payments respecting blockage of private drains

3. The Corporation may pay in whole or in part, the cost of clearing any blockage of a private drain, caused by a tree on the highway, subject to such conditions as the council of the Corporation may prescribe from time to time, any liability of the Corporation in respect thereof notwithstanding.

Interpretation

4.—(1) In this section, "dwelling" has the same meaning as in subsection 1 of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6.

Grants or loans for rehabilitation of dwellings

(2) The Corporation may make a grant or loan to an owner of a dwelling to pay for the whole or any part of the cost of rehabilitating the dwelling in such amount and upon such terms and conditions as the council may prescribe.

Lien

(3) The amount of any loan made under this section together with interest, if any, at a rate to be fixed by council

shall be repayable to the Corporation by the owner of the dwelling over such period as the council may prescribe, in the same manner and at the same time as the municipal real property taxes in respect of the said dwelling, and such amount and interest shall, until repayment thereof, be a lien or charge upon the dwelling in respect of which the loan was made, but notwithstanding the foregoing, upon the dwelling ceasing to be owned by the owner to or for whose benefit the loan was made or upon breach of any term or condition imposed under subsection 2, the amount of the loan and interest in their full remaining balance may, at the option of the Corporation become immediately due and payable and may be collected in the same manner as municipal real property taxes.

Certificate of lien for registration

(4) A certificate of the clerk of the Corporation setting out the amount loaned or to be loaned to or for the benefit of an owner under this section, including the rate of interest thereon, if any, together with a description of the dwelling in respect of which any such loan has been made or is to be made sufficient for registration, shall be registered in the proper land registry office against the dwelling upon proof by affidavit of the signature of the clerk, and upon repayment in full to the Corporation of the amount loaned and interest thereon, if any, a certificate of the said clerk showing such repayment shall be similarly registered and thereupon the lien or charge upon the dwelling in respect of which the loan was made is discharged.

1936, c. 84, s. 6 (20), amended

5. Subsection 20 of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by adding at the end thereof "but notwithstanding anything contained in this Act or in any order made under this Act, a copy of an order sent or caused to be sent by prepaid registered mail in accordance with this subsection shall not entitle the owner to appeal to the housing standards appeal committee and any order so sent shall be clearly marked to that effect".

1971, c. 130, s. 11 (13), amended

6. Subsection 13 of section 11 of *The City of Toronto Act, 1971*, being chapter 130, is amended by adding at the end thereof "but notwithstanding anything contained in this Act or in any order made under this Act, a copy of an order sent or caused to be sent by prepaid registered mail in accordance with this subsection shall not entitle the owner to appeal to the non-residential standards appeal committee and any order so sent shall be clearly marked to that effect".

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Toronto Act, 1974*.

CHAPTER 162

An Act respecting the City of Toronto

Assented to May 9th, 1974

Preamble

WHEREAS The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1971, c. 130, s. 2 amended

1. Section 2 of *The City of Toronto Act, 1971*, being chapter 130, is amended by adding thereto the following subsection:

Enforcement

(2) A by-law passed under this section shall be enforceable in the same manner as a by-law passed under the authority of *The Municipal Act* and any such by-law may impose penalties of not more than $1,000, exclusive of costs, upon every person who contravenes any provisions of any by-law passed pursuant to this section.

R.S.O. 1970, c. 284

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Toronto Act, 1974 (No. 2)*.

CHAPTER 163

An Act respecting The University of Western Ontario

Assented to April 26th, 1974

Preamble

WHEREAS The University of Western Ontario hereby applies for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act, except as otherwise provided herein,

(*a*) "academic staff" means those persons employed by the University whose duties are primarily those of performing and administering the teaching and research functions and who are included in the instructor, lecturer and professorial ranks;

(*b*) "academic unit" means a faculty, school, college or other academic division however designated by the University which offers programs leading to a degree;

(*c*) "academic year" means the academic year as determined by the University;

(*d*) "administrative staff" means those employees of the University who are not members of the academic staff;

(*e*) "Board" means The Board of Governors, The University of Western Ontario;

(*f*) "Faculty" means the full-time members of the academic staff of the University including the Vice-Chancellor and academic Deans and such of the part-time members of the academic staff of

the University as the Senate may from time to time determine;

(*g*) "membership year" means any twelve-month period or periods established from time to time by the Board and by the Senate, respectively;

(*h*) "property" means all property, both real and personal;

(*i*) "real property" means messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;

(*j*) "Senate" means the Senate of The University of Western Ontario;

(*k*) "student" means any person who is registered as a full-time or part-time student in an academic unit of the University, but does not include a student of an affiliated college;

(*l*) "University" means The University of Western Ontario, but does not include any college affiliated with the University.

Conflict with R.S.O. 1970, c. 89

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

University continued

2. The University, commonly known as "Western", the Board and Senate and the statutes and regulations of, appointments in and affiliation of colleges with, the University, existing at the time this Act comes into force, are and each of them is hereby continued, subject to this Act.

Religious tests not required

3. The government, management and control of the University shall continue to be undenominational and no religious test shall be required of any officer, member of the academic or the administrative staffs, employee or student of the University, nor shall any religious observances be imposed.

Proceedings by or against University

4. All proceedings by or against the University may be had and taken in the name of "The University of Western Ontario".

GRANTS

Grants by City of London

5. The City of London may grant annually or from time to time to the University such sum as the City and the

University may agree upon, without obtaining the assent of the electors qualified to vote on money by-laws for such grant, except that any grant exceeding in any one year $1 per capita of population as determined by the last yearly census as returned to the clerk by the assessment commissioner shall first receive the assent of the electors.

Grants by counties, etc.

6. Grants to the Board for the use of the University may be made without obtaining the assent of the electors qualified to vote on money by-laws for such grant by,

(*a*) the county council of any of the counties of Brant, Bruce, Elgin, Essex, Grey, Huron, Kent, Lambton, Middlesex, Oxford, Perth and Wellington;

(*b*) the council of The Regional Municipality of Haldimand-Norfolk and the council of The Regional Municipality of Waterloo;

(*c*) the council of any regional municipality hereafter established within the area described in clause *a*; and

(*d*) the council of any municipality, other than the City of London, in such counties or regional municipalities,

but any such grant in excess of $20,000 in any one year shall first receive the assent of the electors.

PROPERTY

Property in trust vested in Board

7. All property heretofore or hereafter granted, conveyed, devised or bequeathed by any person, firm or corporation in trust for or for the benefit of the University or of any academic unit or department thereof or otherwise in connection therewith, subject to the trust affecting the same, vests in the Board.

Application of statute of limitations to property

8.—(1) All real property vested in the Board shall, as far as the application of any statute of limitations is concerned, including any statute limiting or defining the period for the investigation of titles, be deemed to have been and to be real property vested in the Crown for the public use of the Province of Ontario.

Power to deal with realty and personalty R.S.O. 1970, c. 225

(2) The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive, by gift, bequest or devise, and to hold and enjoy without

licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof.

Land vested in Board not liable to expropriation

9. Real property vested in the Board shall not be liable to be entered upon, used or taken by any corporation except a municipal corporation or by any person possessing the right of taking land compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless the Act conferring the power applies thereto in express terms.

THE BOARD OF GOVERNORS

Board continued

10. The Board of Governors of the University is hereby continued as a body corporate by the name and style of "The Board of Governors, The University of Western Ontario".

Composition of Board

11.—(1) The Board shall consist of,

(*a*) The President of the University, the Mayor of the City of London (or an alternate appointed under the provisions of *The Municipal Act*), the Warden of the County of Middlesex (or an alternate appointed under the provisions of *The Municipal Act*), and the Chancellor of the University, who shall be *ex officio* members;

R.S.O. 1970, c. 284

(*b*) four persons appointed by the council of the City of London;

(*c*) four persons appointed by the Lieutenant Governor in Council;

(*d*) two persons appointed or elected by the Alumni Association of the University;

(*e*) four members of the Faculty of whom,

(i) two shall be members of the Senate at the time of election and be elected by the Senate, and

(ii) two shall be elected by the Faculty from among those members of Faculty of the rank of assistant professor or higher who have held academic appointments at the University for at least four academic years;

(*f*) three students of whom,

(i) two shall be undergraduate students at the time of election and be elected by the undergraduate students, and

(ii) one graduate student elected by the graduate students,

provided that an undergraduate student shall not be eligible for election unless registered at the University in an academic year prior to the academic year in which such election occurs;

(*g*) two members of the full-time administrative staff elected thereby;

(*h*) four persons elected by the members appointed or elected under clauses *b*, *c*, *d*, *e*, *f*, and *g*; and

(*i*) such Vice-Presidents as are appointed to the Board by the members appointed or elected under clauses *b*, *c*, *d*, *e*, *f*, *g*, and *h*, which appointments may be terminated at any time.

Failure to elect or appoint

(2) Subject to section 18, the failure to appoint or elect a member as provided in subsection 1 does not invalidate the composition of the Board, and, where a default continues for three months after an appointment or election should have been made, the remaining members of the Board may, but shall not be obliged to, elect a member eligible to fill the vacancy.

Election procedures

(3) The members to be elected under subsection 1 shall be elected in accordance with such procedures as shall be determined and established by the Board, but in the election of members under clause *e*, *f* or *g* of that subsection, the election shall be by secret ballot.

Term of office

12.—(1) Except as provided in this section, each member of the Board shall hold office for four membership years, shall be eligible for reappointment or re-election, as the case may be, and if otherwise eligible shall hold office until a successor is appointed or elected.

Idem

(2) Subject to subsection 4, a student elected to the Board under clause *f* of subsection 1 of section 11 shall hold office for a term of two membership years.

Idem

(3) No member shall hold office for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected thereto under section 15, or a term reduced under subsection 4, but any such member shall again be eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.

Staggered terms of office

(4) Prior to the first appointments or elections of members after this Act comes into force, the Board shall provide where necessary for staggered terms of office.

Saving

(5) This section shall not apply to an *ex officio* member of the Board or to a member appointed under clause *i* of subsection 1 of section 11.

Eligibility

13.—(1) Except as provided in clauses *a*, *e*, *f*, *g* and *i* of subsection 1 of section 11, no person who is a member of the academic staff or administrative staff, or a student of the University or an affiliated college, or who is a member of the governing body, faculty, staff or student body of any other degree-granting institution, is eligible for appointment or election as a member of the Board.

Canadian citizenship

(2) Subject to subsection 3, no person is eligible as a member of the Board unless he is a Canadian citizen.

Saving

(3) Subsection 2 does not apply to a person who was a member of the Board on the day before this Act comes into force.

Membership vacated

14.—(1) Where a member of the Board ceases to be eligible for appointment or election to the Board, resigns or becomes incapable of acting as a member, the Board by resolution shall declare such membership vacant.

Meetings

(2) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 50 per cent of the regular meetings of the Board, the Board by resolution may declare such membership vacant.

Idem

(3) Where within any membership year a member of the Board, other than an *ex officio* member, not having been granted leave of absence by the Board, attends less than 25 per cent of the regular meetings of the Board, the Board by resolution shall declare such membership vacant.

Proof

(4) A resolution declaring a vacancy, entered in the minutes of the Board, is conclusive evidence of the vacancy.

Filling vacancies

15. Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired,

(*a*) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(*b*) if the vacancy is that of an elected member, the Board in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

Chairman and vice-chairman

16.—(1) The Board shall elect a chairman and a vice-chairman from among the members appointed or elected under clauses *b*, *c*, *d*, and *h* of subsection 1 of section 11, and in the case of the absence or illness of the chairman or of there being a vacancy in that office, the vice-chairman shall act as and have all the powers of the chairman.

Absence

(2) In the case of absence or illness of the chairman and vice-chairman or of there being vacancies in these offices, the Board may appoint one of its members appointed or elected under clauses *b*, *c*, *d* and *h* of subsection 1 of section 11 to act as chairman for the time being and the member so appointed shall act as and have all the powers of the chairman.

Term of office

(3) The term of office of the chairman and vice-chairman shall be as determined by the Board.

Quorum

17. The quorum of the Board, to be designated by by-law of the Board, shall consist of not fewer than ten members, at least one-half of whom shall consist of members of the Board appointed or elected, as the case may be, under clauses *b*, *c*, *d* and *h* of subsection 1 of section 11.

Exercise of powers

18. The Board may exercise any of its powers as long as there are at least sixteen members in office, not including *ex officio* members and members appointed under clause *i* of subsection 1 of section 11.

Interest in work of the Board

19. A member of the Board or of a committee created by it who is in any way interested in a proposed contract with the University shall declare his interest at any meeting at which the proposed contract is considered, shall with-

draw from the meeting during any discussion of such contract and shall not vote thereon.

Management of the University

20. Except in such matters as are assigned by this Act to the Senate or other body, the government, conduct, management and control of the University and of its property and affairs are vested in the Board, and the Board may do such things as it considers to be for the good of the University and consistent with the public interest.

Powers of the Board

21. Without limiting the generality of section 20, the Board may,

(*a*) appoint the President and Vice-Chancellor, but before so acting, the Board shall request a recommendation from a committee, to be convened by the chairman of the Board, composed of five members of the Board named by it, and five persons named by the Senate, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing signed by at least eight members and delivered to the Board within nine months of the date on which the Board names five members to the committee or the date on which the Board requests the Senate to name five persons to the committee, whichever date is later, and, failing a recommendation within that period, the Board may appoint the President;

(*b*) on the recommendation of the President, appoint as many Vice-Presidents as the Board and the Senate may consider necessary, the heads of all academic units within the University, the Chief Librarian, the Registrar, the Secretary of the Senate, the professors and all other members of the academic staff of the University, but all such appointments made by the Board shall be in accordance with the policies and procedures established by the Senate;

(*c*) appoint all other employees the Board may consider necessary;

(*d*) fix and provide for the remuneration, tenure of office or employment, retirement and superannuation, or other conditions of employment of the persons mentioned in clauses *a*, *b* and *c*, which employment, in the absence of contract or policy of tenure, shall be at the pleasure of the Board, and determine their functions, duties and powers, but the policies and procedures followed in respect

of persons appointed under clause *b* shall be adopted and promulgated after consultation with the Senate, and such other bodies within the University as may be appropriate;

(*e*) expend such sums as may be required to establish funds for the payment of gratuities, retirement allowances, pensions, life insurance or other insurance, including health insurance, for the benefit of the persons mentioned in clauses *a*, *b* and *c*;

(*f*) establish procedures pertaining to the meetings of the Board and its transactions, create committees to exercise any of its powers and delegate authority to individuals or committees created by it;

(*g*) appoint by resolution or by-law a member or members of the Board or any other person or persons to execute on behalf of the Board either documents and other instruments in writing generally or specific documents and other instruments in writing and to affix the corporate seal of the Board thereto;

(*h*) fix the fees to be paid for instruction under the control of the University, for all ancillary activities and for examinations, degrees, diplomas and certificates;

(*i*) provide such means for health services and health examination for students as the Board may see fit;

(*j*) expend such sums as the Board considers necessary for the support and maintenance of the University and for the betterment of existing buildings and for the furnishing and equipment of existing and newly erected buildings and, having first requested the advice of the Senate, for the erection of such new buildings as the Board considers necessary for the use or purposes of the University;

(*k*) subject to the limitations imposed by any trust, invest all such money as shall come to the University in such manner as the Board may see fit;

(*l*) borrow from time to time such sums of money as may be required for the use of the University, and give such security against the assets of the University by way of mortgage or otherwise as the Board may determine;

(*m*) apply for, purchase and otherwise deal with inventions, trademarks, trade names, copyright or similar rights or interests therein in any manner that the Board considers necessary;

(*n*) pass resolutions and make recommendations to the Senate with respect to any matter connected with the administration of the University and the promotion of its affairs, but this power shall not be interpreted as subtracting from the powers and duties conferred on the Senate by this Act.

Idem

22. On the recommendation of the Senate, the Board may,

(*a*) establish or terminate academic units, departments, chairs and programs of instruction in the University or elsewhere, but the Senate shall determine the curricula of all programs of instruction;

(*b*) enter into agreements for the founding or establishment of chairs, scholarships, fellowships, prizes, bursaries and other awards;

(*c*) provide for the affiliation with the University of any college in Ontario offering courses leading to a degree and established for teaching any branch of learning on such terms as the Board may determine, and enter into any agreement that the Board may consider necessary to effectuate affiliation, and in order to preserve the undenominational nature of the University no more than two colleges of the same denominational control shall be affiliated with the University at the same time, and no college affiliated with the University shall be affiliated with or have affiliated with it any other college, school or institution of higher learning without specific permission in writing by the Board;

(*d*) provide for the dissolution, modification or alteration of the terms of any affiliation; and

(*e*) provide for the government and control of residences operated and maintained by the University.

Authentication of by-laws, etc.

23. Except as otherwise provided in this Act, the Board may act by resolution or by-law authenticated in a manner prescribed by the Board.

Audit of accounts

R.S.O. 1970, c. 373

24.—(1) The Board shall appoint one or more auditors licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year.

(2) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require. Annual report

(3) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Tabling

(4) The Board shall make available to the academic staff, administrative staff and students, an annual report including an annual financial report in such form and manner as the Board may determine. Idem

25. Where any question arises as to the powers or duties of the President and Vice-Chancellor, a Vice-President, a member of the Faculty or any senior administrative officer of the University, the Board after consultation with the Senate shall settle and determine the matter in accordance with this Act, and the decision of the Board shall be final. Questions as to powers

SENATE

26.—(1) There shall be a Senate of the University composed of, Senate, how composed

(*a*) the following *ex officio* members,

(i) the Chancellor,

(ii) the Vice-Chancellor,

(iii) such Vice-Presidents as the Senate may determine,

(iv) the Deans of the academic units given Faculty representation under clause *b*,

(v) the Director of Summer School and Extension,

(vi) the Chief Librarian,

(vii) the Registrar, and

(viii) the Secretary of Senate,

of whom the Chancellor, the Director of Summer School and Extension, the Chief Librarian, the Registrar and the Secretary of the Senate shall be non-voting members;

(*b*) members of the Faculty, elected in the following numbers,

(i) Faculty of Graduate Studies —four members,

(ii) Faculty of Arts —four members,

(iii) Faculty of Medicine —four members,

(iv) Faculty of Science —four members,

(v) Faculty of Social Science —four members,

(vi) Faculty of Dentistry —one member,

(vii) Faculty of Education —one member,

(viii) Faculty of Engineering Science —one member,

(ix) Faculty of Law —one member,

(x) Faculty of Music —one member,

(xi) Faculty of Nursing —one member,

(xii) Faculty of Physical Education —one member,

(xiii) School of Business Administration —one member,

(xiv) School of Library and Information Science —one member,

(xv) Subject to approval by two-thirds of the members of Senate, any other academic unit that may be established hereafter —one member;

(*c*) two members of the Board appointed by the Board from among its members appointed or elected under clauses *b*, *c*, *d* and *h* of subsection 1 of section 11;

(*d*) two members from each affiliated college, one of whom shall be the academic head of that college and the other a person elected as provided in section 27, who shall have voice in all matters but shall not vote on resolutions, recommendations or requests submitted to the Board where such

matters do not directly involve the affiliated colleges as shall be determined by the Senate;

(*e*) fifteen students of whom,

(i) twelve shall be undergraduate students of the University and its affiliated colleges and be elected by such undergraduate students, and

(ii) three shall be graduate students elected by the graduate students; and

(*f*) five persons from the general community, one of whom shall be active in or associated with the field of secondary school education, consisting of,

(i) the President of the Alumni Association of the University or a person designated by such President, and two members of the Association appointed by the Association, and

(ii) two persons appointed by the Senate.

Regulation to vary number of members

(2) Upon an application by the Senate approved by at least two-thirds of the members of Senate, the Lieutenant Governor in Council may make regulations varying the number of members set out in clauses *b*, *d* and *e* of subsection 1.

Officers

(3) The Vice-Chancellor shall be the chairman of the Senate, and a vice-chairman shall be elected from among its members in such manner as the Senate may establish.

Alternates

(4) Where the Senate grants leave of absence to any member, the Senate may provide, in such manner as it determines, for an alternate member who shall have all the powers of a member of the Senate.

Election of members

27.—(1) The election of a member of Senate under clause *b* or *d* of subsection 1 of section 26 shall be by secret ballot of the members of the academic unit or affiliated college to be represented who hold the rank of assistant professor or higher, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

Idem

(2) No person is eligible for election to the Senate under clause *b* or *d* of subsection 1 of section 26 unless he is a member of the academic unit or affiliated college to be

represented, holds the rank of assistant professor or higher and has held an academic appointment in the University or affiliated college for at least two academic years.

Idem

(3) The election of a member of Senate under clause *e* of subsection 1 of section 26 shall be by secret ballot and for a term of one membership year, but in all other respects such an election shall be in accordance with the manner and procedures established and determined by the Senate.

Disputes

(4) The Senate shall rule on any dispute which may arise as to eligibility to vote or to hold office under subsections 1, 2 and 3 and its decision shall be final.

Term of office

(5) A member of the Senate, other than an *ex officio* member or a member elected under clause *e* of subsection 1 of section 26, shall hold office for a term of two membership years and is not eligible to be appointed or elected for more than two consecutive terms, excluding therefrom the balance of an unexpired term for a person appointed or elected under section 29 or a term reduced under subsection 6, but is eligible for reappointment or re-election after a lapse of two years after the expiration of the second of two consecutive terms.

Idem

(6) Prior to the first appointments or elections of members after this Act comes into force, the Senate shall provide where necessary for staggered terms of office.

Vacating office

28.—(1) Where an appointed or elected member of the Senate resigns, becomes incapable of acting as a member or ceases to be eligible for appointment or election, the Senate shall by resolution declare such membership vacant, save that a student member who graduates during his term of office may complete such term.

Idem

(2) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 50 per cent of the regular meetings of the Senate, the Senate may by resolution declare such membership vacant.

Idem

(3) Where within any membership year a member of the Senate, other than an *ex officio* member, not having been granted leave of absence by the Senate attends less than 25 per cent of the regular meetings of the Senate, the Senate shall by resolution declare such membership vacant.

(4) A resolution passed under this section entered into the minutes of the Senate shall be conclusive evidence of the vacancy declared therein. Resolution final

29. Where a vacancy on the Senate occurs before the term of office for which a person has been appointed or elected has expired, Filling vacancies

(*a*) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(*b*) if the vacancy is that of an elected member, the Senate in its sole discretion shall determine if the vacancy is to be filled and, if so, the manner and procedure for doing so,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

30.—(1) The Senate shall meet at least four times an academic year and at such other times as the Senate from time to time may prescribe. Meetings of the Senate

(2) A special meeting of the Senate shall be called on the written notice of any seven members thereof and shall be convened within fifteen days thereafter, to consider the matter or matters set out in the notice. Special meetings

31. The Senate is responsible for the academic policy of the University and, without limiting the generality of the foregoing, the Senate shall, Duties of Senate

(*a*) create faculty councils or committees and committees generally to exercise any of its powers and shall approve their form and method of operation;

(*b*) determine all courses of study, including standards for admission into the University and qualifications for degrees;

(*c*) conduct examinations, appoint examiners, and decide finally all matters relating thereto;

(*d*) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;

(*e*) provide for the convening and conduct of convocations;

(*f*) confer honorary degrees in divinity without fee upon the recommendation of any affiliated college having a faculty of theology;

(*g*) establish and recommend to the Board policies and procedures to be followed in the selection, appointment, promotion and termination of appointment of the members of the Faculty, and the conditions under which tenure and sabbatical leave are granted;

(*h*) in collaboration with the Board create a committee to make recommendations respecting the appointment of the President and Vice-Chancellor as provided in clause *a* of section 21 and shall be consulted before the termination of any appointment so made; and

(*i*) make recommendations and give advice to the Board on the matters mentioned in clause *b* of section 21 and in section 22.

Idem

32. The Senate may,

(*a*) confer degrees and award diplomas and certificates in any branch of learning, taught in the University or in any affiliated college, including theology;

(*b*) confer honorary degrees in any branch of learning;

(*c*) provide by-laws and regulations for the conduct of its proceedings including the determination of a quorum necessary for the transaction of business;

(*d*) establish such committees as the Senate considers necessary, including an executive committee that may act in the name and on behalf of the Senate between regular meetings of the Senate;

(*e*) inquire into and publish reports upon any matter that affects the academic reputation or effectiveness of the University; and

(*f*) pass resolutions and make recommendations to the Board with respect to any matter connected with the administration of the University and the promotion of its affairs, but this clause shall not be construed to subtract from the powers and duties conferred on the Board elsewhere in this Act.

THE ASSEMBLY OF THE UNIVERSITY

33.—(1) There shall be an advisory body called "The Assembly of the University" composed as follows, Assembly of the University

(*a*) the Chancellor;

(*b*) the Vice-Chancellor, who shall be the chairman of the Assembly;

(*c*) the chairman of the Board and four members of the Board appointed by it;

(*d*) five members of the Senate appointed by it;

(*e*) the Vice-Presidents, the Registrar, and the Secretary of the Senate who shall be the Secretary of the Assembly;

(*f*) the Deans of all academic units of the University;

(*g*) the academic head of each affiliated college and two other persons appointed by it;

(*h*) ten members appointed by the University Students' Council, two members appointed by the Society of Graduate Students and one member appointed by the Masters of Business Administration Association;

(*i*) the President and the other members of the executive of the Alumni Association of the University;

(*j*) five persons appointed by the council of the City of London, two persons appointed by the Board of Education of the City of London, and one person appointed by the Separate School Board of the City of London;

(*k*) the Warden, or one member of the county council appointed by it, of each of the counties named in section 6, and the chairman, or one member of the council appointed by it, of each of the councils of The Regional Municipality of Haldimand-Norfolk and The Regional Municipality of Waterloo;

(*l*) one member of the municipal council of each city, other than the City of London, in the counties and regional municipalities named in section 6 appointed by it;

(*m*) ten members of the Ontario Secondary Schools Headmasters' Council (South Western Region) appointed by it;

(*n*) one member from each of the colleges of applied arts and technology in the counties and regional municipalities named in section 6 appointed by each college;

(*o*) the members of Parliament representing the electoral districts of London East, London West, and Middlesex;

(*p*) the members of the Legislative Assembly representing the electoral districts of London North, London South, Middlesex North, Middlesex South, and the electoral districts abutting those districts;

(*q*) ten members at large appointed by the Board and ten members at large appointed by the Senate; and

(*r*) such other persons as the Board and the Senate may by joint action appoint.

Term of office

(2) Each member, other than *ex officio* members, shall hold office for such term as the Assembly may from time to time determine.

Meetings of Assembly

(3) The President shall convene the Assembly at least once in each academic year to receive and discuss reports from the Vice-Chancellor and from the chairman of the Board concerning the state and aims of the University, to discuss any matter affecting the University and at the request of the Board or of the Senate to advise thereon, and to provide by its meetings a forum whereby liaison between the University and the public may be established and promoted in the furtherance of the University's academic aims and purposes.

MEETINGS AND BY-LAWS

Meetings of Board and Senate open to public

34.—(1) Subject to subsection 2, the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, and no person shall be excluded therefrom except for improper conduct but, where confidential matters of the University are being considered, that part of the meeting may be held *in camera*.

Exception

(2) Where matters of a personal nature concerning an individual may be disclosed at a meeting, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

Examination of by-laws

(3) The by-laws of the Board and of the Senate shall be open to examination by members of the University community and by the public during normal business hours.

Publication of by-laws

(4) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

CHANCELLOR

Chancellor, election of

35.—(1) There shall be a Chancellor of the University who shall be elected by an electoral board consisting of,

(*a*) six members, except *ex officio* members, of the Board, including the chairman of the Board; and

(*b*) six members of the Senate, including the Vice-Chancellor.

Quorum

(2) Eight members of the electoral board, including the chairman of the Board and the Vice-Chancellor, constitute a quorum.

Who ineligible

(3) No person shall occupy the office of Chancellor who is a member of the academic or administrative staff of the University or an employee of any affiliated college, or who at the time of his election is a member of the Board or of the governing body of any affiliated college.

Term of office

36. The term of office of the Chancellor shall be for four years commencing with the 1st day of July of the year in which he is elected and continuing until his successor is elected, but in any event not longer than six months after the expiration of his term of office, and no Chancellor shall be eligible for re-election.

Vacancy in office

37. Where a vacancy in the office of Chancellor occurs, the vacancy shall be filled by the election of a successor in the manner set out in section 35, and such successor shall hold office for four years terminating on the 30th day of June in the fourth year after his election, and no successor shall be eligible for re-election.

Where Chancellor becomes ineligible

38. Where the Chancellor ceases to be eligible for such office, or becomes incapable of acting, or the office becomes otherwise vacant, a declaration of the existence of a vacancy in the office of Chancellor by the Senate and the Board entered in the minutes of the Senate and of the Board is conclusive evidence of the vacancy.

Duties

39. The Chancellor shall preside at all convocations and by virtue of the authority vested in him by the Senate shall admit to degrees, diplomas and certificates such candidates, including the recipients of honorary degrees, as may be requested by the Senate.

VICE-CHANCELLOR

Vice-Chancellor

40.—(1) There shall be a Vice-Chancellor of the University who shall be the President of the University.

Duties

(2) The Vice-Chancellor and President shall be the chief executive officer of the University and shall call a meeting of and report to the Faculty not less than once in each academic year.

Vice-Chancellor to act in absence of Chancellor

(3) In the absence of the Chancellor or there being a vacancy in the office, the Vice-Chancellor or a member of the Faculty appointed by him shall act as Chancellor at Convocation.

Idem

(4) In the absence of both Chancellor and Vice-Chancellor or if both offices are vacant, the Chancellor's duties shall be performed by a member of the Faculty appointed by the Senate for the purpose.

OFFICIAL VISITOR

Official Visitor

41. The Lieutenant Governor of the Province of Ontario is the Official Visitor of the University.

GENERAL

Review

42. The Board and the Senate shall review this Act within ten years from the date of its enactment.

Former members continue until new Board and Senate constituted

43. The members of the Board and the Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and the Senate under this Act until the members of the Board and Senate are elected or appointed in accordance with this Act.

44. *The University of Western Ontario Act, 1967*, being chapter 134, is repealed. Repeal

45. This Act comes into force on the day it receives Royal Assent. Commencement

46. This Act may be cited as *The University of Western Ontario Act, 1974*. Short title

CHAPTER 164

An Act respecting Victoria Hospital Corporation and The War Memorial Children's Hospital of Western Ontario

Assented to April 26th, 1974

Preamble

WHEREAS Victoria Hospital Corporation and The War Memorial Children's Hospital of Western Ontario hereby represent that the Advisory Council of War Memorial Children's Hospital, London, is an unincorporated association lacking legal status, being the successor to the efforts of The Women's Committee which efforts resulted in the erection of War Memorial Children's Hospital, in London, Ontario, hereinafter referred to as "War Memorial Children's Hospital", as a War Memorial, which said hospital is under the management and control of Victoria Hospital Corporation; that the efforts of the Advisory Council have resulted in the donation of moneys entrusted or endowed for the use and benefit of War Memorial Children's Hospital and in possession or expectancy of Victoria Hospital Corporation; that The War Memorial Children's Hospital of Western Ontario is the successor to the work of the Advisory Council of War Memorial Children's Hospital, being incorporated under the provisions of *The Corporations Act*, being chapter 71 of the Revised Statutes of Ontario, 1960, by letters patent dated the 5th day of February, 1971, without share capital whose objects include the providing and maintaining of facilities for research in all the various branches of medicine, and the raising, collecting and accepting of donations, gifts and legacies, for its objects; that it is expedient that the said trust and endowment moneys should be transferred into the control and management of The War Memorial Children's Hospital of Western Ontario for the benefit of War Memorial Children's Hospital; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "The War Memorial Children's Hospital of Western Ontario" means a corporation created without share capital under the name, The War Memorial Children's Hospital of Western Ontario, by charter issued under *The Corporations Act* on the 5th day of February, 1971;

R.S.O. 1960, c. 71

(*b*) "Victoria Hospital Corporation" means a corporation created without share capital under the name Victoria Hospital Corporation by charter issued under *The Corporations Act* on the 19th day of January, 1973;

R.S.O. 1970, c. 89

(*c*) "War Memorial Children's Hospital Endowment Fund" means the Fund created by The Corporation of the City of London under the authority of section 4 of *The City of London Act, 1934* and subsequently assigned and transferred under the authority of section 2 of *The City of London Act, 1972* to Victoria Hospital Corporation;

1934, c. 82

1972, c. 181

(*d*) "War Memorial Children's Hospital Improvement Fund" means a Fund by that name under the management and control of Victoria Hospital Corporation as it existed on the 31st day of December, 1973, comprising the principal sum of $636,196.43.

Vesting and transfer of trust funds

2. All trust and endowment funds of every nature and kind held by Victoria Hospital Corporation for the benefit of War Memorial Children's Hospital which are now vested in and are under the control of Victoria Hospital Corporation, including War Memorial Children's Hospital Endowment Fund but not including War Memorial Children's Hospital Improvement Fund, are hereby vested in and belong to The War Memorial Children's Hospital of Western Ontario, to be used and administered in accordance with the purposes defined by the deed, will or other instruments creating such trust or endowment.

Charitable gifts

3. All gifts, trusts, bequests, devises and grants of real or personal property or of the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed, will or other instrument in writing to be made, given or conveyed or intended to be made, given or conveyed to War Memorial Children's Hospital shall, in so far as the same shall not have been vested in possession or been carried into effect at the date of the coming into force of this Act, in the absence of any expressed intention to the contrary set out in such deed, will or other instrument

in writing be construed as though the same had been expressed to be made to The War Memorial Children's Hospital of Western Ontario and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other instrument in writing shall pay over or transfer all such moneys and property to The War Memorial Children's Hospital of Western Ontario as and when the same becomes or may become payable, and the receipt of The War Memorial Children's Hospital of Western Ontario shall be a sufficient discharge therefor.

Power to invest moneys

4. The War Memorial Children's Hospital of Western Ontario shall have the power to invest moneys not immediately required for its objects in investments authorized under *The Trustee Act* for the investment of trust funds. R.S.O. 1970, c. 470

s. 4 (1), amended

5. Subsection 1 of section 4 of *The City of London Act, 1973* (*No. 2*), being chapter 195, is amended by striking out "or War Memorial Children's Hospital" in the sixth and seventh lines.

Repeals

6. Sections 5 and 6, and section 7 as re-enacted by the Statutes of Ontario, 1948, chapter 114, section 3, of *The City of London Act, 1934*, are repealed.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Victoria Hospital-War Memorial Children's Hospital, London, Act, 1974*.

CHAPTER 165

An Act respecting the Town of Walkerton

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the Town of Walkerton hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law authorized

1. The council of The Corporation of the Town of Walkerton is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the Corporation to borrow a sum not exceeding $90,000 and to issue debentures therefor payable in not more than twenty years, for the purpose of paying the cost of sewers to be installed by the said Corporation.

Application of R.S.O. 1970, c. 323, ss. 55-58

2. Sections 55, 56, 57 and 58 of *The Ontario Municipal Board Act* apply with respect to any by-law passed under section 1, and to any debentures issued thereunder.

Order of O.M.B. deemed issued

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the installation of the sewers referred to in section 1 and authorizing The Corporation of the Town of Walkerton to issue debentures under section 1.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Town of Walkerton Act, 1974*.

CHAPTER 166

An Act respecting the Waterloo-Wellington Airport

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Guelph and The Regional Municipality of Waterloo hereby apply for special legislation in respect of the matters herein set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(*a*) "Airport" means the Waterloo-Wellington Airport;

(*b*) "City" means The Corporation of the City of Guelph;

(*c*) "Commission" means The Waterloo-Wellington Airport Commission;

(*d*) "Regional Municipality" means The Regional Municipality of Waterloo.

Agreements confirmed

2.—(1) The Agreement dated the 21st day of June, 1948, between The Corporation of the City of Kitchener, The Corporation of the City of Guelph, The Corporation of the City of Galt, The Corporation of the City of Waterloo and The Corporation of the Town of Preston, hereinafter called the 1948 agreement, set forth in Schedule A hereto, as modified by the agreement dated the 13th day of August, 1973, between The Corporation of the City of Kitchener, The Corporation of the City of Guelph, The Corporation of the City of Cambridge, The Corporation of the City of Waterloo and The Regional Municipality of Waterloo, hereinafter referred to as the 1973 agreement, set forth in Schedule B hereto and the last-mentioned agreement, are hereby ratified and confirmed and declared to be valid and binding upon the parties thereto and their successors.

Commission has power to hold land

(2) The Commission referred to in the 1948 agreement shall be deemed to have been a body corporate with power to acquire and hold land in its own name for airport purposes since its inception.

Disposition of proceeds of sale

(3) The proceeds of any sale of any of the lands referred in the 1973 agreement shall be disposed of as provided therein and the proceeds of any sale of any lands acquired after the 1973 agreement shall belong to the City and the Regional Municipality in proportion to their respective contribution to the cost thereof.

Further agreements

(4) The City and the Regional Municipality may make further agreements respecting the Airport, and may amend the 1973 agreement, provided, however, that no such agreement shall affect the rights of any other party to the 1973 agreement thereunder without the consent of such other party.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Waterloo-Wellington Airport Act, 1974*.

SCHEDULE A

THIS AGREEMENT made this 21st day of June, A.D. 1948.

BETWEEN:

THE CORPORATION OF THE CITY OF KITCHENER,
herein called "Kitchener"

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF GUELPH,
herein called "Guelph"

OF THE SECOND PART,

THE CORPORATION OF THE CITY OF GALT,
herein called "Galt"

OF THE THIRD PART,

THE CORPORATION OF THE CITY OF WATERLOO,
herein called "Waterloo"

OF THE FOURTH PART,

— and —

THE CORPORATION OF THE TOWN OF PRESTON,
herein called "Preston"

OF THE FIFTH PART.

WHEREAS paragraph number 34 of section 404 of *The Municipal Act*, R.S.O. 1937, Chapter 266, provides that by-laws may be passed by the councils of all municipalities for the establishment of or for granting aid to the establishment of air harbours or landing grounds in compliance with the "Air Regulations, 1920", as issued by the Air Board of the Dominion of Canada and such other regulations as may be issued from time to time by the said Air Board, and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft;

AND WHEREAS the said paragraph number 34 further provides that the councils of any two or more municipalities may enter into an agreement for the establishment of an air harbour and the joint exercise of all the powers and rights contained in such paragraph upon such terms as may be agreed and may entrust the control and management of any air harbour or landing ground so established to a commission appointed by such councils pursuant to agreement;

AND WHEREAS the parties hereto deem it advisable to establish an air harbour as hereinafter mentioned, to provide for the joint exercise in connection with such air harbour of all the powers and rights contained in such paragraph number 34 and to entrust the control and management of such air harbour to a commission appointed as hereinafter mentioned.

AND WHEREAS the Government of the Dominion of Canada has placed in departmental estimates for the fiscal year 1948-49 the sum of One Hundred Thousand Dollars ($100,000.00), as the initial instalment of an

estimated expenditure of not less than Four Hundred and Sixty Thousand Dollars ($460,000.00), which is to be expended by the said Government on the construction of such air harbour.

And Whereas the parties hereto deem it advisable to provide for the acquisition of the land required for such air harbour and the construction of a hangar and an administration building thereon, the estimated cost of which is One Hundred and Twenty-Three Thousand Six Hundred Dollars ($123,600.00).

Now Therefore this Agreement witnesseth that the parties hereto, in consideration of the premises and the mutual covenants and agreements hereinafter contained and expressed, mutually covenant and agree as follows

1. The parties hereto shall establish an air harbour in the vicinity of Kossuth in the County of Waterloo and for such purpose shall acquire the land described in Schedule A hereunto annexed and construct a hangar and an administration building thereon. Such air harbour shall be established in compliance with the "Air Regulations, 1920", as issued by the Air Board of the Dominion of Canada and such other regulations as may have been heretofore issued or may be hereafter issued from time to time by the said Air Board.

2. Such air harbour shall be constructed in accordance with modern design and shall have three landing strips each of not less than 4300 feet in length including a hard surfaced runway of not less than 3700 feet in length on each of two of such landing strips.

3. The control and management of such air harbour is hereby entrusted to a commission to be known as "The Waterloo-Wellington Airport Commission", the members of such Commission to be appointed as follows: the Council of Kitchener shall appoint three members of such commission; the Council of Guelph shall appoint three members of such commission; the Council of Galt shall appoint three members of such commission; the Council of Waterloo shall appoint three members of such commission; the Council of Preston shall appoint two members of such commission; each member of such commission shall hold office for one year but shall continue in office until his successor is appointed and shall be eligible for reappointment.

4. From the cost of the land and buildings referred to in paragraph number 1 shall be deducted any grants or contributions made by municipalities other than the municipalities parties to this Agreement and the net cost shall be borne and paid by the parties hereto on a per capita basis; the population of each of the parties hereto shall be determined in accordance with the returns of the assessors of each of the parties hereto for the year 1947.

5. The Waterloo-Wellington Airport Commission shall have the right to acquire the land described in Schedule A hereunto annexed and construct a hangar and an administration building thereon and to obligate each of the parties hereto for its respective share of the cost thereof in accordance with the provisions of this Agreement but such Commission shall have no further right to obligate the parties hereto to the expenditure of further moneys and shall have no right to expend moneys other than such moneys as may be hereafter provided for the said Commission by the parties hereto, provided that such restriction shall not apply to moneys paid to such Commission by persons, corporations or governments other than the parties to this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals under the hands of their respective Mayors and Clerks.

CORPORATION OF THE CITY OF GUELPH

Mayor

Clerk

SCHEDULE B

THIS AGREEMENT made this 13th day of August, A.D. 1973.

BETWEEN:

THE CORPORATION OF THE CITY OF KITCHENER,
hereinafter called "Kitchener",

OF THE FIRST PART,

THE CORPORATION OF THE CITY OF GUELPH,
hereinafter called "Guelph",

OF THE SECOND PART,

THE CORPORATION OF THE CITY OF CAMBRIDGE,
hereinafter called "Cambridge",

OF THE THIRD PART,

THE CORPORATION OF THE CITY OF WATERLOO,
hereinafter called "Waterloo",

OF THE FOURTH PART,

THE REGIONAL MUNICIPALITY OF WATERLOO,
hereinafter called "The Regional Municipality",

OF THE FIFTH PART.

WHEREAS by an agreement dated the 21st day of June, 1948, the Cities of Kitchener, Guelph, Galt and Waterloo and the Town of Preston agreed to establish an Airport.

WHEREAS the lands described in the Schedule hereto have been acquired and an Airport has been established thereon pursuant to said agreement and an agreement dated the 9th day of June, 1950 between His Majesty the King represented by the Minister of Transport, Canada and the said Cities and Town.

WHEREAS by *The Regional Municipality of Waterloo Act, 1972*, the Regional Municipality of Waterloo was created. The City of Galt and the Towns of Preston and Hespeler were amalgamated to form the City of Cambridge.

WHEREAS by section 27 of *The Regional Municipality of Waterloo Act, 1972*, the Region has the powers as are granted to local municipalities by paragraph 9 of section 352 of *The Municipal Act*.

WHEREAS the Cities of Cambridge, Kitchener and Waterloo desire to transfer their interest in the said Airport to the Regional Municipality of Waterloo on the terms and conditions herein set out.

WHEREAS Guelph joins herein for the purpose of concurring herein.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual covenants and agreements herein contained, the parties hereto covenant and agree as follows:

1. The Waterloo-Wellington Airport established pursuant to the agreements recited above shall be continued.

2.—(1) The Waterloo-Wellington Airport Commission shall be continued and the membership of the Commission shall be as follows:

(*a*) Four members appointed by and who are members of the Council of the Regional Municipality of Waterloo;

(*b*) Four members appointed by the Council of the Regional Municipality of Waterloo, who are not members of the Council;

(*c*) One member appointed by and who is a member of the Council of the City of Guelph;

(*d*) One member appointed by the Council of the City of Guelph who is not a member of the Council.

(2) Each member of the Commission shall hold office for one year and until his successor is appointed and, subject to those members who are required to be members of a Council continuing to be members thereof, shall be eligible for reappointment.

3. The Commission shall annually submit a budget to the Council of the City of Guelph and to the Council of The Regional Municipality of Waterloo and shall not expend any moneys not provided for in an approved budget, provided that until approval of the budget in each year operations may continue on the basis of the previous years budget extended on a *pro rata* basis.

4. The net cost of operating the Airport, after the deduction of revenues and any grants received from Canada, any Province or any municipality other than those who are a party to this agreement shall be divided between the City of Guelph and The Regional Municipality of Waterloo, on a *per capita* basis on the basis of the last annual census taken under *The Assessment Act*, provided that the population of The Regional Municipality for this purpose shall be deemed to be the sum of the populations of the Cities of Cambridge, Kitchener and Waterloo. The Region's share shall be apportioned among all the Area Municipalities of the Region in accordance with *The Regional Municipality of Waterloo Act, 1972*.

5. Subject to paragraph three above and to any lawful rules and regulations made by or by authority of any statute of Canada, the Commission shall have the control and management of the Airport.

6.—(1) The Cities of Cambridge, Kitchener and Waterloo transfer their respective interests in the Airport being the lands described in Schedule A, to The Regional Municipality of Waterloo.

(2) Notwithstanding subsection (1):

(*a*) If the revenues received from the rental of any part of the lands for purposes which are not directly related to the use of the Airport as such exceed one thousand dollars in any year, such excess shall not be credited against the budget but shall be divided amongst the cities in the proportion set out in sub-paragraph (6) below;

(*b*) none of the lands shall be sold without the concurrence of at least two of Cambridge, Kitchener and Waterloo;

(*c*) the proceeds of any sale of the lands or part thereof shall be divided amongst the four cities in the proportion set out in sub-paragraph (6) below.

(3) Notwithstanding clause (*b*) of subparagraph (2) above the Airport may be sold by Guelph and the Region as a going concern to Her Majesty the Queen in the right of Canada at its then current market value, subject to adjustment for any capital grants made by Her Majesty.

(4) If the use of the lands as an Airport is discontinued:

(*a*) the Region and Guelph may make such use of the lands as is approved by Guelph and any two of the other cities, on such terms as may be agreed on; or

(*b*) Guelph and the Region, subject to the concurrence of at least two of the other cities may sell the lands; or,

(*c*) in default of agreement as to use or sale, the Region shall return the interests of Cambridge, Kitchener and Waterloo to them.

(5) Any party to this agreement may be a bidder or purchaser in any sale of the lands or any part thereof other than a sale to Her Majesty under subparagraph (3) above.

(6) For the purposes of subparagraph (2) above the equities of the parties shall be as follows:

GUELPH	23.80 per cent
CAMBRIDGE	23.32 per cent
KITCHENER	40.91 per cent
WATERLOO	11.97 per cent

7. This agreement supersedes the agreement referred to in the first recital.

8. This Agreement is subject to the Agreement with His Majesty the King, recited above.

This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors, administrators and assigns.

IN WITNESS WHEREOF the Corporations and the Region have caused this Agreement to be executed by the affixing of their Corporate Seals attested by the signatures of their proper officers, duly authorized in that behalf.

SIGNED, SEALED AND DELIVERED:
in the presence of:

THE CORPORATION OF THE CITY OF KITCHENER

Per:

Mayor

Per:

Clerk

THE CORPORATION OF THE CITY OF GUELPH

Per:

Mayor

Per:

Clerk

THE CORPORATION OF THE CITY OF CAMBRIDGE

Per:

Mayor

Per:

Deputy Clerk

THE CORPORATION OF THE CITY OF WATERLOO

Per:

Mayor

Per:

Clerk

THE REGIONAL MUNICIPALITY OF WATERLOO

Per:

Chairman

Per:

Clerk

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land situate, lying and being in the Township of Woolwich, in the Regional Municipality of Waterloo (formerly in the Township of Waterloo in the County of Waterloo) and Province of Ontario more particularly described as follows:

FIRSTLY: The whole of Lots 5, 7, 8, 9 and 10 in a Plan of Subdivision of Part of Lot 110 of the German Company Tract of the said Township of Waterloo made for William Moyer, Esq. and dated the 18th day of August, 1863.

SECONDLY: Part of Lot 6 in a Plan of Subdivision of Part of Lot 110 of the German Company Tract of the said Township of Waterloo made for William Moyer, Esq. and dated the 18th day of August, 1863, as described in deed registered on the 10th day of February, 1950 in the Registry Office for the Registry Division of Waterloo North (58) as Number 42466.

THIRDLY: Parts of Lots 102, 103, 110, 111 and 126 in the Upper Block of the German Company Tract as described in deeds registered in the Registry Office for the Registry Division of Waterloo (now of record in the Registry Office for the Registry Division of Waterloo North (58) as Numbers 40098, 40237, 40994, 40995, 41355, 41484, 41529, 41629, 42466, 43233 and 45475.

CHAPTER 167

An Act respecting The Wellington County Board of Education

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the Township of Puslinch hereby represents that the arbitrators of The Wellington County Board of Education gave a decision in respect of the value of the lands and premises comprising the former school known as Downey Road School of the former School Section Number 3 Puslinch as required by subsection 3 of section 30 of *The Secondary Schools and Boards of Education Act*, being chapter 425 of the Revised Statutes of Ontario, 1970, within the time prescribed in subsection 7 of section 30 of *The Secondary Schools and Boards of Education Act*; that the arbitrators of The Wellington County Board of Education amended such decision after the expiration of the time prescribed by subsection 7 of section 30 of *The Secondary Schools and Boards of Education Act* for the making of a decision by such arbitrators; and whereas the applicant hereby applies for special legislation deeming the lands and premises of the said Downey Road School to be valued at $16,800 on the 31st day of December, 1968; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Land and premises valued at $16,800

1. Notwithstanding the decision of the arbitrators of The Wellington County Board of Education made the 28th day of May, 1970, and notwithstanding the expiration of the time prescribed by subsections 7 and 9 of section 30 of *The Secondary Schools and Boards of Education Act* for making and amending decisions of such arbitrators valuing assets of such Board for the purposes of subsection 3 of section 30 of *The Secondary Schools and Boards of Education Act*, the arbitrators of The Wellington County Board of Education shall be deemed to have valued the lands and premises comprising the school known as Downey Road School of the former School Section Number 3 Puslinch at $16,800 as of the 31st day of December, 1968.

Effect of Act

R.S.O. 1970, c. 111

2. Section 1 shall not have the effect of increasing or decreasing the amount of money payable to The Wellington County Board of Education under *The Ministry of Education Act* out of the moneys appropriated by the Legislature for educational purposes.

Estimates of Board for 1975 to implement decision

3. The Wellington County Board of Education shall provide in its estimates for the year 1975 for the implementation of the decision deemed to have been made by the arbitrators under section 1 but in the preparation of such estimates it shall make due allowance for any previous implementation of the decision of the arbitrators made in accordance with section 30 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1970, c. 425

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Wellington County Board of Education Act, 1974*.

CHAPTER 168

An Act respecting the City of Windsor

Assented to April 26th, 1974

Preamble

WHEREAS The Corporation of the City of Windsor, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this section,

(*a*) "designated fire route" means a fire route designated by by-law of the Corporation;

(*b*) "fire route" means any road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

(*c*) "park" or "parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(*d*) "stop" or "stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;

(*e*) "trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon such highway, and except a side car

attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

(*f*) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

Powers to pass by-laws re fire routes R.S.O. 1970, c. 284

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws for,

(*a*) regulating and designating fire routes and without limiting the generality of the foregoing, the by-laws may include the following,

(i) the dimensions, location, construction and maintenance standards of a fire route or of a designated fire route,

(ii) the location, the number and proximity to a building or structure of water hydrants,

(iii) the Building Inspector of the Corporation shall refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the said plan shows a proposed fire route which is not in conformity with the by-laws passed pursuant to this subsection,

(iv) the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection, before any building permit referred to in the preceding subclause is issued,

(v) the return or release of the security, referred to in the preceding subclause, in part or in whole, as set forth in the by-laws passed pursuant to this subsection,

(vi) requiring existing fire routes, which do not comply with the provisions of the by-laws passed pursuant to this subsection, to comply,

and for establishing a time limit within which said fire routes are required to so comply, or where there is a requirement for a fire route to an existing building or structure, it shall be constructed within the period established in the by-laws passed pursuant to this subsection;

(*b*) diverting, altering or stopping up, for a period or permanently, designated fire routes;

(*c*) regulating and governing traffic on designated fire routes;

(*d*) prohibiting the parking or leaving of a vehicle or trailer unattended on a designated fire route or on any classes thereof and providing for the removal and impounding of any vehicle or trailer so parked or left unattended at the expense of the owner of said vehicle or trailer;

(*e*) the erecting of signs, including the right of entering on property to accomplish this, which signs may be on or adjacent to a designated fire route and shall be in accordance with the by-laws enacted pursuant to this subsection, and which signs shall be in accordance with *The Highway Traffic Act* and the regulations made thereunder, and their effect shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic; R.S.O. 1970, cc. 202, 284

(*f*) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route, and for the erection of signs as aforesaid, and providing for recovery thereof in the event of non-payment, in the same manner as a by-law enacted pursuant to *The Municipal Act*;

(*g*) providing a procedure for the voluntary payment of penalties out of court in cases where it is alleged that the parking or leaving of a vehicle or trailer unattended provisions have been contravened, and if payment is not made in accordance with the by-law, payment may be enforced in the same manner as a by-law enacted pursuant to *The Municipal Act*;

(*h*) authorizing a peace officer, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted

pursuant to this subsection, to cause such vehicle or trailer to be moved or taken to and placed or stored in another location, and all costs and charges of removing and storage thereof, if any, are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970, c. 267

Sidewalk cafes, licencing of travelled portions of highways

2.—(1) Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws,

(*a*) for leasing or licensing the use of travelled portions of sidewalks on highways under the jurisdiction of the council, within those portions of the City of Windsor in which land may be used for establishing and operating restaurants, to the owners or occupants of adjoining property who operate a licensed restaurant on such property, for the purpose of establishing, maintaining and operating a sidewalk cafe adjoining such restaurant, in such manner and to such extent as council may consider desirable and upon such terms and conditions as may be agreed but not so as to unreasonably confine, impede or incommode public traffic; and

(*b*) for regulating and controlling the use of such sidewalks and for prohibiting and regulating the hawking, peddling or selling of any goods, wares, merchandise or food thereon, prohibiting or regulating any display or advertising thereon, and for prohibiting or regulating the use of any public address system, sound equipment, loud speakers or similar devices thereon or on the lands adjacent thereto.

Application of R.S.O. 1970, c. 284, s. 466

(2) Section 466 of *The Municipal Act* shall apply to any by-law enacted pursuant to clause *b* of subsection 1.

Pedestrian promenades

3.—(1) Notwithstanding the provisions of any general or special Act, the council of the Corporation may, subject to subsection 2, pass by-laws for establishing all or any part of any highway in the City of Windsor under the jurisdiction of the council solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof except to such extent or for such period or periods of every day or of any day or days of the week as may be specified in the by-law, and for permitting the obstruction of the promenade in such manner and to such extent as council may consider desirable.

Approval

(2) No by-law passed under subsection 1 and no by-law that amends any such by-law shall come into force without

the approval of the Minister of Transportation and Communications.

By-laws

(3) The council of the Corporation with respect to any pedestrian promenade established under subsection 1 may pass by-laws,

(*a*) prohibiting or regulating and licensing the hawking, peddling or selling of any goods, wares, merchandise or food thereon;

(*b*) prohibiting or regulating and licensing the use of any public address systems, sound equipment, loud speakers or similar devices thereon or on the lands adjacent thereto; and

(*c*) prohibiting or regulating and licensing any display, exhibition or advertising thereon.

Application of R.S.O. 1970, c. 284, s. 466

(4) Section 466 of *The Municipal Act* shall apply to any by-law enacted pursuant to subsection 1 or 3.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Windsor Act, 1974*.

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23-24 Elizabeth II, 1974

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Land Speculation Tax Act	...	1974, c. 17; 1974, c. 107 and c. 121.
Land Titles Act	234	1972, c. 1, s. 43 and c. 132; 1973, c. 39.
Land Transfer Tax Act	235	1972, c. 15; 1974, c. 8, sup.; 1974, c. 16 and c. 93.
Landlord and Tenant Act	236	1972, c. 123.
Law Enforcement Compensation Act (*See now* Compensation for Victims of Crime Act)	237	1971, c. 51, s. 30, rep.
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Legislative Assembly Act	240	1971, c. 98, s. 4, Sched. par. 17 and c. 101; 1972, c. 1, s. 4 and c. 131; 1973, c. 151; 1974, c. 72 and c. 116.
Legislative Assembly Retirement Allowances Act	241	1972, c. 1, s. 75; 1973, c. 152, sup.
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Lightning Rods Act	245	1971, c. 50, s. 51.
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Live Stock Community Sales Act	253	1971, c. 50, s. 53.
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Loan and Trust Corporations Act	254	1971, c. 98, s. 4, Sched. par. 20; 1972, c. 101; 1973, c. 128; 1974, c. 88.
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Loggers' Safety Act (*See now* Industrial Safety Act)	257	1971, c. 50, s. 54; 1972, c. 1, s. 83; 1974, c. 104, s. 8, rep.
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Mental Hospitals Act	270	1971, c. 50, s. 57.
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Mining Tax Act	275	1971, c. 14; 1972, c. 140, sup.; 1974, c. 132.
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Ministry of Community and Social Services Act.	120	1971, c. 50, s. 30; 1972, c. 1, s. 19, c. 56 and c. 149; 1973, c. 41; 1974, c. 95.
Ministry of Consumer and Commercial Relations Act	113	1971, c. 50, s. 28; 1972, c. 1, s. 23; 1973, c. 95.
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Motor Vehicle Dealers Act	475	1971, c. 21 and c. 50, s. 85; 1972, c. 1, s. 47.
Motor Vehicle Fuel Tax Act	282	1972, c. 14 and c. 147.
Motorized Snow Vehicles Act	283	1974, c. 113, sup.
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Municipal Affairs Act	118	1972, c. 1, s. 104 and c. 46; 1974, c. 111.
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Municipal Health Services Act	290	1971, c. 98, s. 17.
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Public Schools Act (*See now* Education Act)	385	1971 c. 69 and c. 98, s. 4, Sched. par. 27; 1972, c. 74; 1973, c. 37; 1974, c. 109, s. 272, rep.
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Public Vehicles Act	392	1971, c. 50, s. 74; 1972, c. 127.
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Thunder Bay (City of) Act (*1968-69, c. 56*)	...	1970, c. 125; 1972, c. 36; 1974, c. 45.
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Artificial Insemination of Cattle Amendment Act: 1973, c. 119 (1st January, 1974).

Assessment Amendment Act: 1973, c. 26, s. 2 (30th August, 1974).

Audit Amendment Act: 1971, c. 54 (31st August, 1971).

Banting and Best Medical Research Repeal Act: 1973, c. 29 (1st January, 1974).

Bills of Sale Act: R.S.O. 1970, c. 44, s. 18 (1st January, 1971).

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Civil Rights Statute Law Amendment Act: 1971, c. 50 (17th April, 1972).

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District Welfare Administration Boards Amendment Act: 1972, c. 25 (1st January, 1973).

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Used Car Dealers Amendment Act: 1971, c. 21 (1st January, 1972).

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amended	...	202/71	May 29/71
amended	...	203/71	May 29/71
amended	...	402/71	Oct. 2/71
amended	...	469/71	Nov. 27/71
amended	...	71/72	Feb. 26/72
amended	...	430/72	Sept. 9/72
amended	...	464/72	Sept. 30/72
amended	...	527/72	Nov. 18/72
amended	...	587/72	Jan. 6/73
amended	...	330/73	June 16/73
amended	...	423/73	July 28/73
amended	...	521/73	Sept. 8/73
amended	...	703/73	Dec. 1/73
amended	...	764/73	Dec. 22/73
amended	...	443/74	June 29/74
amended	...	444/74	June 29/74
amended	...	599/74	Aug. 31/74
amended	...	693/74	Oct. 5/74
amended	...	796/74	Nov. 9/74
General	80	.....	.....
Trust Funds	81	.....	.....

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Certification of Titles Act			
Certification Areas	82	.....	.....
amended	...	95/71	Mar. 6/71
amended	...	328/71	Aug. 14/71
amended	...	385/71	Sept. 25/71
amended	...	256/72	June 17/72
General	83	.....	.....
amended	...	152/72	Apr. 15/72
amended	...	817/73	Jan. 12/74
Change of Name Act			
Fees and Forms	84	.....	.....
Charitable Institutions Act			
General	85	.....	.....
amended	...	72/71	Feb. 27/71
amended	...	268/72	June 17/72
amended	...	351/72	July 29/72
amended	...	113/73	Mar. 24/73
amended	...	377/73	July 7/73
amended	...	449/73	Aug. 18/73
amended	...	713/73	Dec. 1/73
amended	...	70/74	Feb. 23/74
amended	...	534/74	July 27/74
amended	...	913/74	Dec. 14/74
amended	...	960/74	Jan. 4/75
Child Welfare Act			
General	86	.....	.....
amended	...	320/71	Aug. 7/71
amended	...	126/73	Mar. 24/73
Children's Boarding Homes Act			
General	87	.....	.....
amended	...	471/72	Sept. 30/72
Children's Institutions Act			
General	88	.....	.....
amended	...	548/71	Jan. 15/72
amended	...	64/72	Feb. 26/72
amended	...	382/72	Aug. 12/72
amended	...	164/74	Apr. 6/74
amended	...	175/74	Apr. 6/74
amended	...	241/74	May 4/74
amended	...	713/74	Oct. 12/74
amended	...	845/74	Nov. 23/74
Children's Mental Health Centres Act			
Application of Act	...	32/71	Jan. 30/71
amended	...	136/73	Mar. 31/73
amended	...	255/73	May 12/73
amended	...	569/74	Aug. 10/74
amended	...	926/74	Dec. 21/74
Children's Mental Hospitals Act			
General	89	.....	.....
amended	...	239/74	May 4/74

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Chiropody Act			
General	90	.....	.....
City of The Lakehead Act, 1968-69			
Reduction in Rates in McIntyre and Neebing Wards	...	230/71	June 12/71
Order of the Minister	...	217/72	May 20/72
City of Thunder Bay Act, 1968-69			
Order of the Minister lower rates of taxation	...	483/74	July 13/74
City of Timmins-Porcupine Act, 1972			
Merged Areas	...	191/73	Apr. 21/73
Order of the Minister	...	372/72	Aug. 12/72
Order of the Minister	...	480/72	Oct. 14/72
Order of the Minister	...	524/72	Nov. 11/72
Order of the Minister rates of taxation for general purposes, 1973, 1974, 1975 and 1976	...	391/73	July 7/73
Collection Agencies Act			
General	...	21/71	Jan. 30/71
amended	...	496/74	July 20/74
Commissioners for taking Affidavits Act			
Fees	92	.....	.....
Community Centres Act			
Grants	93	.....	.....
amended	...	380/72	Aug. 12/72
Community Psychiatric Hospitals Act			
General	94	.....	.....
Grants	95	.....	.....
Commuter Services Act			
Dial-A-Bus Service	...	771/74	Oct. 26/74
General	96	.....	.....
amended	...	133/71	Apr. 17/71
amended	...	196/71	May 29/71
amended	...	467/72	Sept. 30/72
amended	...	174/74	Apr. 6/74
amended	...	244/74	May 4/74
amended	...	454/74	June 29/74
amended	...	828/74	Nov. 16/74
Conditional Sales Act			
General	...	734/74	Oct. 12/74
Condominium Act			
General	98	.....	.....
amended	...	25/71	Jan. 30/71
amended	...	112/72	Mar. 25/72
amended	...	153/72	Apr. 15/72
amended	...	292/72	July 1/72
amended	...	816/73	Jan. 12/74

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Conservation Authorities Act			
Conservation Areas			
Ausable-Bayfield	...	317/73	June 9/73
Cataraqui Region	100	.....	.....
Central Lake Ontario	...	518/74	July 20/74
Credit Valley	...	460/72	Sept. 30/72
Ganaraska Region	...	209/73	Apr. 28/73
Grand River	...	516/74	July 20/74
Hamilton Region	...	274/72	June 17/72
Halton Region	...	441/72	Sept. 16/72
Kettle Creek	...	517/74	July 20/74
Long Point Region	...	273/72	June 17/72
Lower Thames Valley	104	.....	.....
amended	...	208/73	Apr. 28/73
Maitland Valley	...	515/74	July 20/74
Mattagami Valley	...	210/73	Apr. 28/73
Metropolitan Toronto and Region	105	.....	.....
amended	...	52/71	Feb. 13/71
amended	...	225/71	June 12/71
amended	...	106/72	Mar. 18/72
Niagara Peninsula	...	859/74	Nov. 23/74
Nottawasaga Valley	...	249/71	June 26/71
Prince Edward Region	...	514/74	July 20/74
Rideau Valley	...	248/74	May 4/74
St. Clair Region	...	761/74	Oct. 26/74
Saugeen Valley	...	516/72	Nov. 11/72
Sault Ste. Marie Region	...	207/73	Apr. 28/73
South Lake Simcoe	...	513/74	July 20/74
Fill			
Ausable River	108	.....	.....
Cataraqui Region	109	.....	.....
amended	...	36/71	Jan. 30/71
Grand Valley	110	.....	.....
Junction Creek	111	.....	.....
Moira River	113	.....	.....
Spencer Creek	114	.....	.....
Sydenham Valley	115	.....	.....
Fill and Alteration of Waterways			
Long Point Region	...	224/71	June 12/71
Fill and Construction—			
Hamilton Region	118	.....	.....
amended	...	117/72	Mar. 25/72
amended	...	30/74	Feb. 2/74
Otonabee Region	119	.....	.....
Fill, Construction and Alteration to Waterways—			
Catfish Creek	...	784/74	Oct. 26/74
Central Lake Ontario	...	824/73	Jan. 12/74
Credit Valley	...	211/73	Apr. 28/73
amended	...	617/73	Oct. 20/73
Grand River	...	356/74	May 25/74
Halton Region	...	272/72	June 17/72
amended	...	534/72	Nov. 18/72
Kettle Creek	...	783/74	Oct. 26/74
Lakehead Region	...	515/73	Sept. 1/73
amended	...	158/74	Apr. 6/74
Lower Thames Valley	...	37/71	Jan. 30/71
Mattagami Region	...	813/74	Nov. 9/74
Metropolitan Toronto and Region	...	735/73	Dec. 15/73

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Conservation Authorities Act—*Continued*			
Conservation Areas—*Continued*			
North Grey	...	125/71	Apr. 10/71
St. Clair Region	...	781/74	Oct. 26/74
Sauble Valley	...	126/71	Apr. 26/74
South Lake Simcoe	...	782/74	Oct. 26/74
Upper Thames River	...	755/73	Dec. 15/73
amended	...	555/74	Aug. 10/74
Use and Operation Applicable to Lands Owned by The Upper Thames River Conservation Authority	...	28/71	Jan. 30/71
amended	...	556/74	Aug. 10/74
Construction Hoists Act			
General	126	.....	.....
amended	...	125/72	Apr. 1/72
Construction Safety Act			
General	...	419/73	July 21/73
Consumer Protection Act			
General	128	.....	.....
amended	...	149/71	Apr. 24/71
amended	...	201/71	May 29/71
amended	...	525/71	Jan. 1/72
amended	...	258/74	May 11/74
amended	...	966/74	Jan. 4/75
Consumer Reporting Act, 1973			
General	...	251/74	May 11/74
Controverted Elections Act			
Procedure	129	.....	.....
Co-operative Corporations Act, 1973			
General	...	179/74	Apr. 13/74
Co-operative Loans Act			
General	130	.....	.....
Coroners Act, 1972			
General	...	307/73	June 9/73
amended	...	742/73	Dec. 15/73
Corporation Securities Registration Act			
Fees	133	.....	.....
amended	...	538/71	Jan. 8/72
Corporations Act			
Evidence of *Bona Fides* on Applications	134	.....	.....
amended	...	444/71	Nov. 6/71
General	135	.....	.....
amended	...	383/71	Sept. 25/71
amended	...	443/71	Nov. 6/71
amended	...	415/72	Sept. 2/72
Insider Trading and Proxy Solicitation	136	.....	.....

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Corporations Information Act			
Content of Annual Return	137	.....	.....
General	138	.....	.....
Corporations Information Act, 1971			
General	...	384/71	Sept. 25/71
amended	...	53/73	Feb. 24/73
Corporations Tax Act			
General	139	.....	.....
amended	...	324/71	Aug. 14/71
amended	...	544/71	Jan. 15/72
amended	...	410/72	Aug. 26/72
Corporations Tax Act, 1972			
General	...	350/73	June 23/73
amended	...	121/74	Mar. 16/74
Costs of Distress Act			
Costs	140	.....	.....
County Courts Act			
Sittings of the County and District Courts	...	23/71	Jan. 30/71
Sittings of the County and District Courts	...	189/71	May 22/71
Sittings of the County and District Courts	...	490/71	Dec. 4/71
Sittings of the County and District Courts	...	573/72	Dec. 30/72
Sittings of the County and District Courts	...	682/73	Nov. 17/73
Sittings of the County and District Courts			
Counties of Bruce and Hastings	...	23/73	Feb. 3/73
County of Bruce	...	108/72	Mar. 18/72
County of Bruce	...	681/73	Nov. 17/73
County of Bruce	...	690/73	Nov. 24/73
County of Bruce	...	697/74	Oct. 5/74
County of Elgin	...	238/72	May 27/72
County of Essex	...	712/73	Dec. 1/73
County of Grey	...	109/72	Mar. 18/72
County of Halton	...	24/73	Feb. 6/73
County of Hastings	...	8/72	Jan. 29/72
County of Kent	...	229/73	May 5/73
County of Lambton	...	9/72	Jan. 29/72
County of Middlesex	...	569/73	Sept. 22/73
County of Norfolk	...	310/72	July 8/72
County of Norfolk	...	386/73	July 7/73
County of Norfolk	...	471/74	July 6/74
County of Ontario	...	42/73	Feb. 17/73
County of Peel	...	52/73	Feb. 24/73
County of Peel	...	228/73	May 5/73
County of Peel	...	332/73	June 16/73
County of Peel	...	410/74	June 15/74
County of Perth	...	9/73	Jan. 27/73
County of Perth	...	37/73	Feb. 17/73
County of Peterborough	...	273/73	May 26/73
County of Simcoe	...	274/73	May 26/73
County of Simcoe	...	438/73	Aug. 4/73
County of Simcoe	...	702/73	Dec. 1/73

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County Courts Act—*Continued*			
Sittings of the County and District Courts—*Continued*			
County of Simcoe	...	412/74	June 15/74
County of Simcoe	...	457/74	July 6/74
County of Victoria	...	75/73	Mar. 10/73
County of Waterloo	...	532/73	Sept. 8/73
County of Wellington	...	415/73	July 21/73
District of Algoma	...	189/71	May 22/71
District of Algoma	...	110/72	Mar. 18/72
District of Algoma	...	283/72	June 24/72
District of Cochrane	...	42/72	Feb. 19/72
District of Kenora	...	51/73	Feb. 24/73
District of Kenora	...	963/74	Jan. 4/75
District of Niagara North	...	304/72	July 8/72
District of Niagara North	...	389/73	July 7/73
District of Niagara South	...	43/72	Feb. 19/72
District of Niagara South	...	596/73	Oct. 13/73
District of Niagara South	...	738/73	Dec. 15/73
District of Niagara South	...	721/74	Oct. 12/73
District of Nipissing	...	611/73	Oct. 20/73
District of Ontario	...	895/74	Dec. 7/74
District of Parry Sound	...	925/74	Dec. 21/74
District of Timiskaming	...	701/73	Dec. 1/73
District of Waterloo	...	851/74	Nov. 23/74
Regional Municipality of Waterloo	...	695/73	Nov. 24/73
United Counties of Northumberland and Durham	...	486/72	Oct. 21/72
United Counties of Stormont, Dundas and Glengarry	...	248/72	June 10/72
County Judges Act			
County and District Court Districts	...	96/71	Mar. 6/71
Shorthand Writers	141	.....	.....
County of Oxford Act, 1974			
Order of the Minister			
election of councils—area municipalities—school boards	...	589/74	Aug. 24/74
amended	...	619/74	Sept. 7/74
the County of Oxford being deemed a regional municipality for the purposes of certain Acts	...	917/74	Dec. 14/74
facilitating the placement of staff in the structure of the County and area municipalities	...	918/74	Dec. 14/74
a vote of the electors—the name "Township of Zorra"	...	987/74	Jan. 11/75
Credit Unions Act			
Incorporation	142	.....	.....
amended	...	446/71	Nov. 6/71
amended	...	197/73	Apr. 21/73
Rate of Interest and Charges	...	489/74	July 13/74
Crop Insurance Act (Ontario)			
Arbitration Proceedings	143	.....	.....
Crop Insurance Plan			
Apples	144	.....	.....
amended	...	210/71	May 29/71
amended	...	229/72	May 27/72
amended	...	358/74	May 25/74
Beets	...	317/72	July 15/72
amended	...	359/74	May 25/74
Coloured Beans	...	304/73	June 2/73
amended	...	360/74	May 25/74

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Crop Insurance Act (Ontario)—*Continued*			
Crop Insurance Plan—*Continued*			
Corn	...	187/72	May 6/72
amended	...	115/73	Mar. 24/73
amended	...	259/73	May 12/73
amended	...	396/74	June 8/74
Flue-Cured Tobacco	...	215/73	Apr. 28/73
amended	...	362/74	May 25/74
Grapes	...	555/72	Dec. 9/72
amended	...	363/74	May 25/74
Hay	...	367/73	July 7/73
amended	...	364/74	May 25/74
Hay Seeding Establishment	...	365/74	May 25/74
Onions Grown From Seed	...	366/74	May 25/74
Onions Grown From Sets	...	367/74	May 25/74
Peaches	...	30/73	Feb. 10/73
amended	...	369/74	May 25/74
Pears	...	104/74	Mar. 9/74
amended	...	370/74	May 25/74
Peas	148	.....	.....
amended	...	171/71	May 8/71
amended	...	231/72	May 27/72
amended	...	220/73	May 5/73
amended	...	368/74	May 25/74
Potatoes	...	319/72	July 15/72
amended	...	371/74	May 25/74
Sour Cherries	...	102/74	Mar. 9/74
Soybeans	150	.....	.....
amended	...	187/71	May 22/71
amended	...	230/72	May 27/72
amended	...	222/73	May 5/73
amended	...	373/74	May 25/74
Spring Grain	151	.....	.....
amended	...	233/72	May 27/72
amended	...	116/73	Mar. 24/73
amended	...	374/74	May 25/74
Sweet Cherries	...	103/74	Mar. 9/74
Sweet Corn	152	.....	.....
amended	...	170/71	May 8/71
amended	...	235/72	May 27/72
amended	...	221/73	May 5/73
amended	...	375/74	May 25/74
Tomatoes	153	.....	.....
amended	...	172/71	May 8/71
amended	...	224/73	May 5/73
amended	...	397/74	June 8/74
White Beans	154	.....	.....
amended	...	188/71	May 22/71
amended	...	234/72	May 27/72
amended	...	223/73	May 5/73
amended	...	376/74	May 25/74
Winter Wheat	155	.....	.....
amended	...	379/71	Sept. 25/71
amended	...	458/71	Nov. 13/71
amended	...	705/73	Dec. 1/73
amended	...	377/74	May 25/74
amended	...	763/74	Oct. 26/74

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Crop Insurance Act (Ontario)—*Continued*			
Crop Insurance Plans			
Designation of Insurable Crops	...	320/72	July 15/72
amended	...	101/74	Mar. 9/74
Extended Coverage for Seeding Hazards (revoking)	...	361/74	May 25/74
General	156	.....	.....
Premium Discounts (*revoking*)	...	372/74	May 25/74
Crown Employees Collective Bargaining Act, 1972			
General	...	577/72	Dec. 30/72
amended	...	150/73	Apr. 7/73
Rules of Procedure	...	151/73	Apr. 7/73
Crown Timber Act			
General	159	.....	.....
amended	...	161/72	Apr. 22/72
amended	...	418/73	July 21/73
amended	...	335/74	May 18/74
D			
Day Nurseries Act			
General	160	.....	.....
amended	...	232/71	June 12/71
amended	...	547/71	Jan. 15/72
amended	...	239/72	May 27/72
amended	...	82/73	Mar. 10/73
amended	...	797/73	Dec. 29/73
amended	...	148/74	Mar. 30/74
amended	...	826/74	Nov. 16/74
amended	...	962/74	Jan. 4/75
Dead Animal Disposal Act			
General	161	.....	.....
amended	...	751/73	Dec. 15/73
Dental Technicians Act			
General	162	.....	.....
amended	...	578/72	Jan. 6/73
Dentistry Act			
Dental Hygienists	163	.....	.....
amended	...	445/72	Sept. 23/72
Low Cost Denture Service	...	61/73	Mar. 3/73
Registration Fee	...	397/71	Oct. 2/71
Denture Therapists Act, 1972			
General	...	153/73	Apr. 7/73
amended	...	421/73	July 21/73
amended	...	789/73	Dec. 29/73
Department of Agriculture and Food Act (*See now* **Ministry of Agriculture and Food Act**) (*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 5 (1)*)			
Department of Correctional Services Act (*See now* **Ministry of Correctional Services Act**) (*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 59 (1)*)			

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Department of Education Act			
(*See now* **Ministry of Education Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 61 (1)*)			
Department of Colleges and Universities Act, 1971			
(*See now* **Ministry of Colleges and Universities Act, 1971**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 12 (1)*)			
Arena Managers' Certificates and Programs	168	.....	.....
amended	...	393/71	Sept. 25/71
Colleges of Applied Arts and Technology	169	.....	.....
amended	...	480/71	Nov. 27/71
amended	...	30/72	Feb. 12/72
Algonquin	170	.....	.....
Cambrian	171	.....	.....
Centennial	172	.....	.....
Conestoga	173	.....	.....
Confederation	174	.....	.....
Durham	175	.....	.....
Fanshawe	176	.....	.....
George Brown	177	.....	.....
Georgian	178	.....	.....
Humber	179	.....	.....
Lambton	180	.....	.....
Loyalist	181	.....	.....
Mohawk	182	.....	.....
Niagara	183	.....	.....
Northern	184	.....	.....
St. Clair	185	.....	.....
St. Lawrence	186	.....	.....
Seneca	187	.....	.....
Sheridan	188	.....	.....
Sir Sandford Fleming	189	.....	.....
Elementary and Secondary Schools			
Diplomas	190	.....	.....
General	191	.....	.....
amended	...	391/71	Sept. 25/71
amended	...	530/71	Jan. 8/72
General Legislative Grants	193	.....	.....
General Legislative Grants	194	.....	.....
General Legislative Grants	...	59/71	Feb. 13/71
amended	...	74/71	Feb. 27/71
amended	...	532/71	Jan. 8/72
General Legislative Grant	...	124/71	Apr. 10/71
General Legislative Grants	...	98/72	Mar. 18/72
Municipal Recreation Directors' Certificates and Arena Managers' Certificates	...	392/71	Sept. 25/71
Ontario Schools for the Blind and Ontario Schools for the Deaf	198	.....	.....
Permanent Teaching Certificates	199	.....	.....
Programs of Recreation	200	.....	.....
Purchase of Milk	201	.....	.....
Reimbursement for Cost of Education in Territorial Districts or Crown Lands	202	.....	.....
amended	...	339/71	Aug. 21/71
amended	...	29/72	Feb. 12/72
amended	...	69/72	Feb. 26/72
Schools for Trainable Retarded Children	204	.....	.....
amended	...	518/71	Jan. 1/72
Special Certificates	205	.....	.....
Supervisory Officer's Certificate	...	517/71	Jan. 1/72

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Department of Education Act—*Continued*			
(*See now* **Ministry of Education Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 61 (1)*)			
Department of Colleges and Universities Act, 1971 —*Continued*			
See now **Ministry of Colleges and Universities Act, 1971**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 12 (1)*)			
Teachers' Contracts	208	.....	.....
Vocational Building and Equipment Grants	211	.....	.....
Department of Labour Act			
(*See now* **Ministry of Labour Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 82 (1)*)			
Department of Municipal Affairs Act			
(*See now* **Municipal Affairs Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 104 (1)*)			
Department of Revenue Act			
(*See now* **Ministry of Revenue Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 88 (1)*)			
Department of Social and Family Services Act			
(*See now* **Ministry of Community and Social Services Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 19 (1)*)			
Department of Tourism and Information Act			
(*See now* **The Tourism Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 79 (1)*)			
Deposits Regulation Act			
General	223	.....	.....
Development Corporations Act, 1973			
Approval of Loans and Guarantees	...	24/74	Feb. 2/74
Developmental Services Act, 1974			
General	...	213/74	Apr. 27/74
amended	...	975/74	Jan. 4/75
Disabled Persons' Allowances Act			
General	224	.....	.....
District Municipality of Muskoka Act			
Designation of Last Revised Assessment Rolls and Approval of Levies made in 1971 before Adoption of Estimates	...	82/71	Feb. 27/71
Merged Areas	...	134/71	Apr. 17/71
Merged Areas	...	369/71	Sept. 18/71
Order of the Minister	...	411/71	Oct. 9/71
Order of the Minister	...	398/72	Aug. 19/72
amended	...	454/72	Sept. 23/72
District Welfare Administration Boards Act			
Application for Grant Under Section 10 of the Act	225	.....	.....
amended	...	231/71	June 12/71
amended	...	84/73	Mar. 10/73
amended	...	683/73	Nov. 17/73

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amended	...	40/72	Feb. 19/72
amended	...	346/72	July 29/72
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amended	...	581/72	Jan. 6/73
amended	...	187/73	Apr. 14/73
amended	...	380/73	July 7/73
amended	...	685/73	Nov. 17/73
amended	...	715/73	Dec. 1/73
amended	...	801/73	Dec. 29/73
amended	...	821/73	Jan. 12/74
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amended	...	215/74	Apr. 27/74
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amended	...	471/71	Nov. 27/71
amended	...	335/72	July 15/72
amended	...	455/73	Aug. 18/73
amended	...	31/74	Feb. 9/74
amended	...	230/74	May 4/74
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amended	...	263/71	July 3/71
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Plan	306	.....	.....
amended	...	44/71	Feb. 6/71
Marketing	307	.....	.....
amended	...	45/71	Feb. 6/71
amended	...	80/72	Mar. 4/72
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Plan	308	.....	.....
amended	...	78/72	Mar. 4/72
Marketing	309	.....	.....
amended	...	23/72	Feb. 5/72
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Plan	310	.....	.....
amended	...	53/72	Feb. 26/72
amended	...	462/72	Sept. 30/72
Marketing	311	.....	.....
amended	...	463/72	Sept. 30/72
amended	...	592/72	Jan. 13/73
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Plan	...	430/74	June 22/74
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amended	...	183/74	Apr. 13/74
amended	...	764/74	Oct. 26/74
Marketing	...	594/72	Jan. 13/73
amended	...	243/73	May 5/73
amended	...	184/74	Apr. 13/74
amended	...	634/74	Sept. 14/74
amended	...	897/74	Dec. 7/74
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amended	...	265/71	July 3/71
amended	...	22/72	Feb. 5/72
amended	...	202/73	Apr. 21/73
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Plan	325	.....	.....
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amended	...	266/71	July 3/71
amended	...	334/72	July 15/72
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Plan	327	.....	.....
amended	...	114/73	Mar. 24/73
amended	...	32/74	Feb. 9/74
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amended	...	419/71	Oct. 9/71
amended	...	656/74	Sept. 14/74
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amended	...	439/73	Aug. 11/73
Started Pullets			
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Plan	...	238/73	May 5/73
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amended	...	21/72	Feb. 5/72
amended	...	135/73	Mar. 31/73
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Plan	340	.....	.....
amended	...	398/74	June 8/74
Marketing	341	.....	.....
amended	...	79/72	Mar. 4/72
amended	...	78/73	Mar. 10/73
amended	...	162/73	Apr. 14/73
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Plan	...	116/74	Mar. 16/74
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amended	...	180/73	Apr. 14/73
amended	...	388/73	July 7/73
Marketing	343	.....	.....
amended	...	164/73	Apr. 14/73
amended	...	303/73	June 2/73
amended	...	669/73	Nov. 17/73
amended	...	429/74	June 22/74
Marketing Limitations	...	428/74	June 22/74
Vegetables for Processing			
Plan	344	.....	.....
amended	...	51/72	Feb. 26/72
amended	...	293/73	June 2/73
Marketing	345	.....	.....
amended	...	24/72	Feb. 5/72
amended	...	294/73	June 2/73
amended	...	23/74	Feb. 2/74
amended	...	48/74	Feb. 16/74
amended	...	49/74	Feb. 16/74
Wheat			
Plan	346	.....	.....
amended	...	132/73	Mar. 31/73
amended	...	605/74	Aug. 31/74
Marketing	...	413/73	July 21/73
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amended	...	39/71	Feb. 6/71
amended	...	71/71	Feb. 27/71
amended	...	15/72	Feb. 5/72
amended	...	257/72	June 17/72
amended	...	447/72	Sept. 23/72
amended	...	618/73	Oct. 20/73
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amended	...	260/71	July 3/71
amended	...	258/72	June 17/72
amended	...	389/72	Aug. 19/72
amended	...	26/73	Feb. 3/73
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amended	...	521/72	Nov. 11/72
amended	...	533/73	Sept. 8/73
amended	...	628/74	Sept. 14/74
Luther Marsh Hunting Area	...	426/71	Oct. 16/71
amended	...	459/72	Sept. 30/72

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Deer	...	474/74	July 13/74
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amended	...	806/74	Nov. 9/74
Game Birds	...	459/74	July 6/74
amended	...	659/74	Sept. 21/74
Moose	...	757/73	Dec. 15/73
amended	...	386/74	June 1/74
Pheasant—in the Township of Pelee	...	986/74	Jan. 11/75
Rabbit and Squirrel	...	260/74	May 11/74
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amended	...	517/73	Sept. 1/73
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amended	...	734/73	Dec. 15/73
amended	...	155/74	Mar. 30/74
amended	...	941/74	Dec. 28/74
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County of Bruce	...	108/72	Mar. 18/72
County of Bruce	...	681/73	Nov. 17/73
County of Bruce	...	690/73	Nov. 24/73
County of Bruce	...	697/74	Oct. 5/74
County of Elgin	...	238/72	May 27/72
County of Grey	...	109/72	Mar. 18/72
County of Halton	...	24/73	Feb. 6/73
County of Hastings	...	8/72	Jan. 29/72
County of Kent	...	229/73	May 5/73
County of Norfolk	...	310/72	July 8/72
County of Norfolk	...	386/73	July 7/73
County of Norfolk	...	471/74	July 6/74
County of Ontario	...	42/73	Feb. 17/73
County of Oxford	...	28/72	Feb. 12/72
County of Peel	...	52/73	Feb. 24/73
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County of Peel	...	410/74	June 15/74
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County of Perth	...	37/73	Feb. 17/73
County of Peterborough	...	273/73	May 26/73
County of Simcoe	...	274/73	May 26/73
County of Simcoe	...	438/73	Aug. 4/73
County of Simcoe	...	702/73	Dec. 1/73
County of Simcoe	...	412/74	June 15/74
County of Victoria	...	75/73	Mar. 10/73
County of Waterloo	...	4/72	Jan. 22/72
County of Waterloo	...	532/73	Sept. 8/73
County of Wellington	...	415/73	July 21/73
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District of Algoma	...	110/72	Mar. 18/72
District of Algoma	...	283/72	June 24/72
District of Cochrane	...	42/72	Feb. 19/72
District of Kenora	...	51/73	Feb. 24/73
District of Kenora	...	963/74	Jan. 4/75
District of Niagara North	...	291/71	July 31/71
District of Niagara North	...	304/72	July 8/72
District of Niagara North	...	389/73	July 7/73
District of Niagara South	...	43/72	Feb. 19/72
District of Niagara South	...	596/73	Oct. 13/73
District of Niagara South	...	738/73	Dec. 15/73
District of Niagara South	...	721/74	Oct. 12/74
District of Nipissing	...	611/73	Oct. 20/73
District of Ontario	...	895/74	Dec. 7/74
District of York	...	273/71	July 10/71
District of Waterloo	...	851/74	Nov. 23/74
Regional Municipality of Waterloo	...	695/73	Nov. 24/73
United Counties of Northumberland and Durham	...	486/72	Oct. 21/72
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United Counties of Stormont, Dundas and Glengarry	...	248/72	June 10/72
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Dependent Fathers	382	.....	.....
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amended	...	100/71	Mar. 13/71
amended	...	154/71	May 1/71
amended	...	248/71	June 19/71
amended	...	276/71	July 10/71
amended	...	63/72	Feb. 26/72
amended	...	88/72	Mar. 11/72
amended	...	338/72	July 22/72
amended	...	14/73	Jan. 27/73
amended	...	186/73	Apr. 14/73
amended	...	379/73	July 7/73
amended	...	451/73	Aug. 18/73
amended	...	560/73	Sept. 15/73
amended	...	686/73	Nov. 17/73
amended	...	714/73	Dec. 1/73
amended	...	798/73	Dec. 29/73

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amended	...	714/73	Dec. 1/73
amended	...	216/74	Apr. 27/74
amended	...	532/74	July 27/74
amended	...	779/74	Oct. 26/74
Indian Bands	384	.....	.....
amended	...	174/71	May 8/71
amended	...	319/71	Aug. 7/71
amended	...	350/72	July 29/72
amended	...	470/72	Sept. 30/72
amended	...	684/73	Nov. 17/73
amended	...	532/74	July 27/74
amended	...	604/74	Aug. 31/74
amended	...	780/74	Oct. 26/74
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amended	...	37/72	Feb. 19/72
amended	...	240/72	May 27/72
amended	...	465/72	Sept. 30/72
amended	...	252/73	May 12/73
amended	...	267/73	May 26/73
amended	...	370/73	July 7/73
amended	...	543/73	Sept. 15/73
amended	...	690/74	Sept. 28/74
H			
Health Insurance Act, 1972			
General	...	323/72	July 15/72
amended	...	580/72	Jan. 6/73
amended	...	218/73	Apr. 28/73
amended	...	241/73	May 5/73
amended	...	357/73	June 30/73
amended	...	762/73	Dec. 22/73
amended	...	809/73	Jan. 12/74
amended	...	810/73	Jan. 12/74
amended	...	42/74	Feb. 9/74
amended	...	110/74	Mar. 9/74
amended	...	165/74	Apr. 6/74
amended	...	187/74	Apr. 13/74
amended	...	188/74	Apr. 13/74
amended	...	220/74	Apr. 27/74
amended	...	420/74	June 22/74
amended	...	421/74	June 22/74

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Health Insurance Act, 1972—*Continued*			
General—*Continued*			
amended	...	460/74	July 6/74
amended	...	481/74	July 13/74
amended	...	486/74	July 13/74
amended	...	636/74	Sept. 14/74
amended	...	637/74	Sept. 14/74
amended	...	664/74	Sept. 21/74
amended	...	768/74	Oct. 26/74
amended	...	889/74	Dec. 7/74
amended	...	947/74	Dec. 28/74
Highway Improvement Act (*See now* **The Public Transportation and Highway Improvement Act**) (*title of Act changed July 23rd, 1971, See S.O. 1971, c. 61, s. 1.*)			
Highway Traffic Act			
Appeals	408	.....	.....
Axle Weights	...	20/71	Jan. 23/71
amended	...	177/74	Apr. 13/74
Bicycles	409	.....	.....
amended	...	413/74	June 15/74
Certificates of Mechanical Fitness	410	.....	.....
amended	...	476/74	July 13/74
Construction Zones	411	.....	.....
amended	...	40/71	Feb. 6/71
amended	...	151/71	May 1/71
amended	...	179/71	May 15/71
amended	...	216/71	June 5/71
amended	...	256/71	July 3/71
amended	...	257/71	July 3/71
amended	...	329/71	Aug. 14/71
amended	...	361/71	Sept. 4/71
amended	...	510/71	Dec. 25/71
amended	...	75/72	Mar. 4/72
amended	...	132/72	Apr. 1/72
amended	...	222/72	May 27/72
amended	...	395/72	Aug. 19/72
amended	...	472/72	Sept. 30/72
amended	...	531/72	Nov. 18/72
amended	...	56/73	Feb. 24/73
amended	...	57/73	Feb. 24/73
amended	...	225/73	May 5/73
amended	...	276/73	May 26/73
amended	...	277/73	May 26/73
amended	...	351/73	June 23/73
amended	...	429/73	July 28/73
amended	...	663/73	Nov. 10/73
amended	...	51/74	Feb. 16/74
amended	...	395/74	June 8/74
amended	...	613/74	Aug. 31/74
amended	...	654/74	Sept. 14/74
amended	...	696/74	Oct. 5/74
amended	...	798/74	Nov. 9/74
Dangerous Loads	412	.....	.....
Demerit Point System	413	.....	.....
amended	...	367/72	Aug. 12/72
amended	...	93/73	Mar. 3/73

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Designation of Freeze-Up Period Pursuant to Section 75 (2) of *The Highway Traffic Act*	...	769/73	Dec. 22/73
Designation of Freeze-Up Period pursuant to Subsection 2 of Section 75 of *The Highway Traffic Act*	...	135/74	Mar. 23/74
Designation of Freeze-Up Period pursuant to Section 75 (2) of *The Highway Traffic Act*	...	985/74	Jan. 11/75
Designations of Highways	414	.....	.....
Driver Improvement Program	...	566/74	Aug. 10/74
Driver's Licence	...	266/74	May 11/74
Driver's Licence Suspension for Default of Payment of Fine	...	108/73	Mar. 17/74
Driving Instructor's Licence	415	.....	.....
Equipment	416	.....	.....
amended	...	226/73	May 5/73
amended	...	57/74	Feb. 16/74
amended	...	491/74	July 20/74
Expiry Date of Motor Vehicle Permits and Validated Permits for the Year 1974	...	991/74	Jan. 11/75
Garage Licences	...	731/73	Dec. 15/73
General	418	.....	.....
amended	...	19/71	Jan. 23/71
amended	...	63/71	Feb. 13/71
amended	...	31/72	Feb. 12/72
amended	...	198/72	May 13/72
amended	...	365/72	Aug. 12/72
amended	...	509/72	Nov. 4/72
amended	...	145/73	Apr. 7/73
amended	...	323/73	June 16/73
amended	...	732/73	Dec. 15/73
amended	...	414/74	June 15/74
amended	...	432/74	June 22/74
amended	...	632/74	Sept. 14/74
amended	...	678/74	Sept. 28/74
Gross Weight on Bridges	419	.....	.....
amended	...	439/72	Sept. 16/72
Load Limits	...	92/74	Mar. 2/74
Load Limits on Local Roads Within Local Roads Areas	...	201/72	May 13/72
amended	...	385/74	June 1/74
Notice to have Motor Vehicle Examined and Tested	420	.....	.....
Parking	421	.....	.....
amended	...	159/71	May 1/71
amended	...	272/71	July 3/71
amended	...	514/71	Dec. 25/71
amended	...	433/72	Sept. 9/72
amended	...	541/72	Dec. 2/72
amended	...	278/73	May 26/73
amended	...	324/73	June 16/73
amended	...	364/73	June 30/73
amended	...	213/73	Apr. 28/73
amended	...	493/73	Aug. 25/73
amended	...	561/73	Sept. 15/73
amended	...	414/74	June 15/74
amended	...	432/74	June 22/74
amended	...	709/74	Oct. 12/74
amended	...	759/74	Oct. 26/74
amended	...	866/74	Nov. 30/74
Reciprocal Suspension of Licences	422	.....	.....
amended	...	17/71	Jan. 23/71

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Restricted Use of Left Lanes by Commercial Motor Vehicles	...	147/73	Apr. 7/73
amended	...	340/74	May 18/74
Safety Helmets for Motorcycle Riders	423	.....	.....
amended	...	410/71	Oct. 2/71
amended	...	677/74	Sept. 28/74
Safety Standards Certification	...	477/74	July 13/74
School Buses	424	.....	.....
amended	...	178/74	Apr. 13/74
Signs	425	.....	.....
amended	...	366/72	Aug. 12/72
amended	...	710/74	Oct. 12/74
Slow-Moving Vehicle Sign	426	.....	.....
amended	...	415/74	June 15/74
Special Permits	427	.....	.....
amended	...	711/74	Oct. 12/74
Specifications and Standards for Trailer Couplings	...	247/73	May 12/73
Speed Limits	429	.....	.....
amended	...	175/71	May 8/71
amended	...	254/71	June 26/71
amended	...	283/71	July 17/71
amended	...	343/71	Aug. 28/71
amended	...	501/71	Dec. 11/71
amended	...	512/71	Dec. 25/71
amended	...	91/72	Mar. 18/72
amended	...	221/72	May 27/72
amended	...	308/72	July 8/72
amended	...	342/72	July 29/72
amended	...	440/72	Sept. 16/72
amended	...	457/72	Sept. 30/72
amended	...	526/72	Nov. 11/72
amended	...	34/73	Feb. 10/73
amended	...	91/73	Mar. 10/73
amended	...	138/73	Mar. 31/73
amended	...	149/73	Apr. 7/73
amended	...	159/73	Apr. 7/73
amended	...	269/73	May 26/73
amended	...	270/73	May 26/73
amended	...	271/73	May 26/73
amended	...	325/73	June 16/73
amended	...	326/73	June 16/73
amended	...	365/73	June 30/73
amended	...	390/73	July 7/73
amended	...	114/74	Mar. 9/74
amended	...	254/74	May 11/74
amended	...	255/74	May 11/74
amended	...	455/74	June 29/74
amended	...	679/74	Sept. 28/74
amended	...	863/74	Nov. 30/74
amended	...	864/74	Nov. 30/74
amended	...	865/74	Nov. 30/74
amended	...	924/74	Dec. 21/74
amended	...	938/74	Dec. 28/74
Speed Limits in Provincial Parks	430	.....	.....
Speed Limits on Bridges	431	.....	.....
amended	...	438/72	Sept. 16/72
amended	...	536/73	Sept. 15/73

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State of North Carolina—Exemption from the Provisions of Sections 6 and 8 of the Act	...	631/74	Sept. 14/74
Stop Signs at Intersections	432	.....	.....
amended	...	160/71	May 1/71
amended	...	218/71	June 12/71
amended	...	513/71	Dec. 25/71
amended	...	414/72	Sept. 2/72
amended	...	88/73	Mar. 10/73
amended	...	146/73	Apr. 7/73
amended	...	327/73	June 16/73
amended	...	535/73	Sept. 15/73
amended	...	729/73	Dec. 15/73
amended	...	257/74	May 11/74
amended	...	712/74	Oct. 12/74
amended	...	862/74	Nov. 30/74
Stopping of Vehicles on Parts of the King's Highway	...	400/72	Aug. 19/72
amended	...	256/74	May 11/74
amended	...	867/74	Nov. 30/74
Tire Standards and Specifications	433	.....	.....
Use of Controlled-Access Highways by Pedestrians	434	.....	.....
amended	...	89/73	Mar. 10/73
amended	...	492/73	Aug. 25/73
amended	...	730/73	Dec. 15/73
amended	...	868/74	Nov. 30/74
Vehicle Safety	435	.....	.....
Historical Parks Act, 1972			
Historical Parks—Fees	...	316/73	June 9/73
amended	...	512/74	July 20/74
Parks	...	261/73	May 19/73
Homemakers and Nurses Services Act			
General	436	.....	.....
amended	...	799/73	Dec. 29/73
amended	...	384/74	May 25/74
Homes for Retarded Persons Act			
General	437	.....	.....
amended	...	439/74	June 29/74
amended	...	530/74	July 27/74
amended	...	973/74	Jan. 4/75
Homes for Special Care Act			
General	438	.....	.....
amended	...	535/71	Jan. 8/72
amended	...	57/72	Feb. 26/72
amended	...	219/72	May 20/72
amended	...	212/74	Apr. 27/74
amended	...	890/74	Dec. 7/74
Homes for the Aged and Rest Homes Act			
General	439	.....	.....
amended	...	155/71	May 1/71
amended	...	440/71	Nov. 6/71
amended	...	311/72	July 8/72
amended	...	375/73	July 7/73
amended	...	448/73	Aug. 18/73

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General—*Continued*			
amended	...	704/73	Dec. 1/73
amended	...	470/74	July 6/74
amended	...	531/74	July 27/74
amended	...	653/74	Sept. 14/74
amended	...	750/74	Oct. 19/74
amended	...	846/74	Nov. 23/74
amended	...	912/74	Dec. 14/74
Hospital Labour Disputes Arbitration Act			
Remuneration of Chairman and Members of Board of Arbitration	...	552/74	Aug. 10/74
amended	...	610/74	Aug. 31/74
Rules of Procedure	441	.....	.....
amended	...	319/73	June 9/73
Hospital Services Commission Act			
Capital Grants for Schools for the Education of Hospital and Related Personnel	442	.....	.....
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General	...	688/74	Sept. 28/74
Hunter Damage Compensation Act			
General	449	.....	.....
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I			
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General	...	559/72	Dec. 16/72
amended	...	371/73	July 7/73
Ontario Property Tax Credit	...	118/73	Mar. 24/73
Ontario Tax Credit System Regulation	...	160/74	Apr. 6/74
amended	...	426/74	June 22/74
Industrial Safety Act			
Grain Elevators	455	.....	.....
Industrial Safety Act, 1971			
General	...	259/72	June 17/72
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Designation of Industries and Zones	456	.....	.....
amended	...	382/71	Sept. 25/71
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Publication Costs	...	848/74	Nov. 23/74

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Schedule			
Barbering Industry			
Ajax	459	.....	.....
Arnprior	460	.....	.....
Aurora, Oak Ridges and Newmarket	461	.....	.....
Aylmer	462	.....	.....
Barrie	463	.....	.....
Bracebridge, Gravenhurst, Huntsville Zones	464	.....	.....
Brampton	...	499/71	Dec. 11/71
Brantford	465	.....	.....
Carleton Place	466	.....	.....
Cobourg	467	.....	.....
Cornwall	468	.....	.....
Essex County	469	.....	.....
Galt	470	.....	.....
Georgetown	471	.....	.....
Guelph	472	.....	.....
Hamilton	473	.....	.....
Kent County	474	.....	.....
Kitchener-Waterloo	475	.....	.....
London	476	.....	.....
Mississauga	...	26/72	Feb. 12/72
Niagara Falls	477	.....	.....
Norfolk-Haldimand	478	.....	.....
North Bay	479	.....	.....
Oakville	480	.....	.....
Orillia	481	.....	.....
Oshawa	...	106/71	Mar. 20/71
Ottawa	483	.....	.....
Owen Sound	484	.....	.....
Paris Zone	485	.....	.....
Pembroke	486	.....	.....
Perth Zone	487	.....	.....
Peterborough	488	.....	.....
amended	...	90/71	Mar. 6/71
Picton	489	.....	.....
amended	...	228/71	June 12/71
Port Colborne	4[illegible]	.....	.....
Prescott, Cardinal, Iroquois and Morrisburg	491	.....	.....
Renfrew	492	.....	.....
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amended	...	83/72	Mar. 11/72
Sarnia-Point Edward	495	.....	.....
Sault Ste. Marie	496	.....	.....
Smiths Falls	497	.....	.....
Stoney Creek-Saltfleet	498	.....	.....
Stratford	499	.....	.....
Sudbury	500	.....	.....
Thunder Bay	501	.....	.....
Tillsonburg	502	.....	.....
Welland	503	.....	.....
Whitby	504	.....	.....
Woodstock	505	.....	.....
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Hamilton	506	.....	.....
Ottawa	507	.....	.....

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Bricklaying and Stonemasonry Industry—*Continued*			
Sarnia	508	.....	.....
Thunder Bay	509	.....	.....
Toronto	510	.....	.....
Carpentry Industry			
Hamilton	511	.....	.....
Ottawa	512	.....	.....
Windsor	513	.....	.....
Common Labourers Construction Industry			
Windsor	514	.....	.....
Electrical Repair and Construction Industry			
Ottawa	515	.....	.....
St. Thomas	516	.....	.....
Toronto	517	.....	.....
Fur Industry			
Ontario	518	.....	.....
amended	...	371/72	Aug. 12/72
Ladies' Cloak and Suit Industry			
Ontario	...	318/71	Aug. 7/71
Ladies' Dress and Sportswear Industry	...	847/74	Nov. 23/74
Lathing Industry			
Ottawa	521	.....	.....
Men's and Boys' Clothing Industry			
Ontario	522	.....	.....
amended	...	479/71	Nov. 27/71
amended	...	849/74	Nov. 23/74
Men's and Boys' Hat and Cap Industry			
Ontario	523	.....	.....
Millinery Industry			
Ontario	524	.....	.....
Painting and Decorating Industry			
Ottawa	525	.....	.....
Thunder Bay	526	.....	.....
Toronto	527	.....	.....
amended	...	423/71	Oct. 9/71
Plastering Industry			
Ottawa	528	.....	.....
Sarnia	529	.....	.....
amended	...	312/71	Aug. 7/71
Sudbury	530	.....	.....
Thunder Bay	531	.....	.....
Toronto	532	.....	.....
Windsor	533	.....	.....
Plumbing and Heating Industry			
Ottawa	534	.....	.....
Toronto	535	.....	.....
amended	...	16/71	Jan. 23/71
Windsor	536	.....	.....
Sheet-Metal Work Construction Industry			
Ottawa	537	.....	.....
Windsor	538	.....	.....
Insurance Act			
Agents' Licences for Insurance other than Life Insurance	539	.....	.....
amended	...	281/71	July 17/71

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Classes of Insurance	...	13/72	Feb. 5/72
amended	...	762/74	Oct. 26/74
General	541	.....	.....
Order under paragraph 1 of subsection 2 of section 83 of the Act	...	221/71	June 12/71
amended	...	282/71	July 17/71
amended	...	173/72	Apr. 29/72
amended	...	167/73	Apr. 14/73
amended	...	557/74	Aug. 10/74
amended	...	558/74	Aug. 10/74
amended	...	719/74	Oct. 12/74
Life Companies Special Shares-Investment	...	519/73	Sept. 8/73
Replacement of Life Insurance Contracts	...	831/74	Nov. 16/74
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amended	...	284/71	July 17/71
amended	...	285/71	July 17/71
amended	...	520/71	Jan. 1/72
amended	...	115/72	Mar. 25/72
amended	...	307/72	July 8/72
amended	...	36/73	Feb. 17/73
amended	...	437/73	Aug. 4/73
amended	...	761/73	Dec. 22/73
amended	...	107/74	Mar. 9/74
amended	...	492/74	July 20/74
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amended	...	30/71	Jan. 30/71
amended	...	559/74	Aug. 10/74
amended	...	608/74	Aug. 31/74

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Office of the Board	550	.....	.....
amended	...	473/71	Nov. 27/71
Rules of Procedure	551	.....	.....
amended	...	29/71	Jan. 30/71
amended	...	474/71	Nov. 27/71
amended	...	321/73	June 9/73
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Costs of Disposition	...	772/74	Oct. 26/74
amended	...	810/74	Nov. 9/74
Exemption	...	535/74	July 27/74
Exemption for Certain Non-Resident Life Insurance Companies and Associated Corporations	...	774/74	Oct. 26/74
Exemption for Certain Quit Claim Deeds, Easements, Ontario Resource Properties, and for Certain Dispositions of Principal Residences or Commercial or Industrial Property	...	505/74	July 20/74
amended	...	700/74	Oct. 5/74
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Forms	...	707/74	Oct. 12/74
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Code of Standards and Procedure for Surveys and Plans	552	.....	.....
amended	...	182/73	Apr. 14/73
Fees	...	154/72	Apr. 15/72
amended	...	815/73	Jan. 12/74
General	553	.....	.....
amended	...	149/72	Apr. 15/72
amended	...	29/73	Feb. 10/73
amended	...	97/73	Mar. 17/73
amended	...	431/73	Aug. 4/73
amended	...	59/74	Feb. 16/74
Land Titles Divisions	554	.....	.....
amended	...	233/71	June 12/71
amended	...	466/71	Nov. 20/71
amended	...	393/72	Aug. 19/72
amended	...	155/73	Apr. 7/73
amended	...	254/73	May 12/73
amended	...	601/74	Aug. 31/74
amended	...	627/74	Sept. 7/74
amended	...	686/74	Sept. 28/74
amended	...	718/74	Oct. 12/74
amended	...	817/74	Nov. 16/74
amended	...	942/74	Dec. 28/74
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amended	...	251/73	May 12/73
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Exemption(s)	...	411/74	June 15/74
amended	...	503/74	July 20/74
Exemption	...	702/74	Oct. 5/74
Exemption	...	967/74	Jan. 4/75
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Exemption—Conveyance to White Motor Corporation of Canada Limited	...	701/74	Oct. 5/74
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Exemption—Conveyance to Reynolds and Reynolds (Canada) Limited	...	811/74	Nov. 9/74
Exemption—Conveyance to BDH Chemicals Canada Limited	...	853/74	Nov. 23/74
Exemption—Conveyance to Square D Company Canada Limited	...	909/74	Dec. 14/74
Exemption—Conveyances to American Can of Canada Limited	...	910/74	Dec. 14/74
Exemption—Conveyance to A & H Bolt & Nut Company Limited	...	911/74	Dec. 14/74
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Refund(s)	...	874/74	Nov. 30/74
Refund	...	919/74	Dec. 14/74
Refund	...	962/74	Jan. 4/75
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Law Society Act			
General	556	.....	.....
amended	...	160/73	Apr. 14/73
amended	...	430/73	Aug. 4/73
amended	...	983/74	Jan. 11/75
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amended	...	544/73	Sept. 15/73
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amended	...	556/72	Dec. 9/72
amended	...	143/73	Mar. 31/73
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amended	...	305/73	June 9/73

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Liquor Control Act—*Continued*			
Detoxification Centres—*Continued*			
amended	...	737/73	Dec. 15/73
amended	...	3/74	Jan. 19/74
amended	...	77/74	Mar. 2/74
amended	...	134/74	Mar. 23/74
General	560	.....	.....
amended	...	92/71	Mar. 6/71
amended	...	299/71	July 31/71
amended	...	300/71	July 31/71
amended	...	527/71	Jan. 8/72
amended	...	528/71	Jan. 8/72
amended	...	175/72	Apr. 29/72
amended	...	106/73	Mar. 17/73
amended	...	397/73	July 14/73
amended	...	613/73	Oct. 20/73
amended	...	698/73	Dec. 1/73
Institutions for the Reclamation of Alcoholics	...	322/72	July 15/72
Liquor Licence Act			
Fees on Votes and Licensing Districts	562	.....	.....
General	563	.....	.....
amended	...	267/71	July 3/71
amended	...	302/71	July 31/71
amended	...	303/71	July 31/71
amended	...	304/71	July 31/71
amended	...	305/71	July 31/71
amended	...	306/71	July 31/71
amended	...	307/71	July 31/71
amended	...	308/71	July 31/71
amended	...	309/71	July 31/71
amended	...	310/71	July 31/71
amended	...	311/71	July 31/71
amended	...	312/71	July 31/71
amended	...	313/71	July 31/71
amended	...	529/71	Jan. 8/72
amended	...	557/72	Dec. 9/72
amended	...	257/73	May 12/73
amended	...	398/73	July 14/73
amended	...	614/73	Oct. 20/73
Votes	564	.....	.....
Live Stock and Live Stock Products Act			
Eggs	...	489/71	Dec. 4/71
amended	...	339/73	June 23/73
amended	...	78/74	Mar. 2/74
Hogs	566	.....	.....
Wool	567	.....	.....
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Forms	...	331/72	July 15/72
Live Stock Community Sales Act			
General	568	.....	.....
amended	...	316/72	July 15/72

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Approved Trust Companies	569	.....	.....
amended	...	116/71	Mar. 20/71
amended	...	437/72	Sept. 16/72
Common Trust Funds	570	.....	.....
Financial Statements	...	38/72	Feb. 19/72
Schedule of Fees	...	426/72	Sept. 9/72
Loan Corporations Special Shares—Investment	...	435/72	Sept. 16/72
Trust Company Special Shares—Investment	...	436/72	Sept. 16/72
Local Roads Boards Act			
Establishment of Local Roads Areas	571	.....	.....
amended	...	1/71	Jan. 16/71
amended	...	43/71	Feb. 6/71
amended	...	97/71	Mar. 6/71
amended	...	127/71	Apr. 10/71
amended	...	176/71	May 8/71
amended	...	367/71	Sept. 18/71
amended	...	542/71	Jan. 8/72
amended	...	19/72	Feb. 5/72
amended	...	55/72	Feb. 26/72
amended	...	56/72	Feb. 26/72
amended	...	100/72	Mar. 18/72
amended	...	140/72	Apr. 8/72
amended	...	177/72	Apr. 29/72
amended	...	399/72	Aug. 19/72
amended	...	478/72	Oct. 7/72
amended	...	496/72	Oct. 21/72
amended	...	562/72	Dec. 16/72
amended	...	563/72	Dec. 16/72
amended	...	600/72	Jan. 13/73
amended	...	21/73	Feb. 3/73
amended	...	22/73	Feb. 3/73
amended	...	85/73	Mar. 10/73
amended	...	137/73	Mar. 31/73
amended	...	248/73	May 12/73
amended	...	266/73	May 19/73
amended	...	456/73	Aug. 18/73
amended	...	760/73	Dec. 22/73
amended	...	802/73	Jan. 5/74
amended	...	43/74	Feb. 9/74
amended	...	120/74	Mar. 16/74
amended	...	205/74	Apr. 20/74
amended	...	225/74	Apr. 27/74
amended	...	425/74	June 22/74
amended	...	869/74	Nov. 30/74
General	572	.....	.....
Loggers' Safety Act			
General	573	.....	.....
amended	...	289/71	July 24/71
amended	...	208/72	May 20/72
M			
Management Board of Cabinet Act, 1971			
Retention and Disposal of Records	...	275/73	May 26/73

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amended	...	425/72	Sept. 9/72
Mechanics' Lien Act			
Forms	575	.....	.....
Mental Health Act			
Application of Act	576	.....	.....
amended	...	94/72	Mar. 18/72
amended	...	169/72	Apr. 22/72
amended	...	122/73	Mar. 24/73
amended	...	524/73	Sept. 8/73
amended	...	186/74	Apr. 13/74
amended	...	190/74	Apr. 13/74
amended	...	237/74	May 4/74
amended	...	545/74	Aug. 3/74
amended	...	568/74	Aug. 10/74
amended	...	638/74	Sept. 14/74
amended	...	684/74	Sept. 28/74
amended	...	820/74	Nov. 16/74
amended	...	927/74	Dec. 21/74
Grants	577	.....	.....
amended	...	362/71	Sept. 11/71
amended	...	773/73	Dec. 22/73
amended	...	790/73	Dec. 29/73
Mental Hospitals Act			
General	578	.....	.....
amended	...	252/71	June 26/71
amended	...	238/74	May 4/74
amended	...	891/74	Dec. 7/74
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By-laws for Marketing Boards	580	.....	.....
Cheese			
Marketing	582	.....	.....
Marketing	...	299/73	June 2/73
amended	...	343/74	May 18/74
Classes of Milk	583	.....	.....
amended	...	9/71	Jan. 16/71
amended	...	330/71	Aug. 14/71
amended	...	472/71	Nov. 27/71
amended	...	330/72	July 15/72
amended	...	47/74	Feb. 16/74
Concentrated Milk			
Plan	584	.....	.....
Cream for Processing			
Plan	585	.....	.....
amended	...	136/71	Apr. 17/71
amended	...	694/74	Oct. 5/74
Marketing	586	.....	.....
amended	...	137/71	Apr. 17/71
amended	...	589/72	Jan. 13/73
Cream Producers			
Licences and Quotas	...	138/71	Apr. 17/71
amended	...	752/73	Dec. 15/73
amended	...	108/74	Mar. 9/74

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amended	...	968/74	Jan. 4/75
Designations			
Milk Products	588	.....	.....
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Designation, Containers and Labelling	589	.....	.....
amended	...	119/72	Apr. 1/72
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General	590	.....	.....
amended	...	328/72	July 15/72
amended	...	177/73	Apr. 14/73
amended	...	179/73	Apr. 14/73
amended	...	757/74	Oct. 19/74
Marketing	591	.....	.....
amended	...	121/71	Apr. 10/71
amended	...	364/71	Sept. 11/71
amended	...	432/71	Oct. 16/71
amended	...	174/73	Apr. 14/73
amended	...	461/73	Aug. 18/73
amended	...	827/73	Jan. 12/74
amended	...	203/74	Apr. 20/74
amended	...	487/74	July 13/74
amended	...	741/74	Oct. 19/74
amended	...	792/74	Nov. 9/74
amended	...	830/74	Nov. 16/74
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amended	...	979/74	Jan. 11/75
Producers	592	.....	.....
amended	...	443/72	Sept. 16/72
amended	...	599/72	Jan. 13/73
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Marketing	593	.....	.....
amended	...	12/71	Jan. 23/71
amended	...	350/71	Sept. 4/71
amended	...	363/71	Sept. 11/71
amended	...	173/73	Apr. 14/73
amended	...	457/73	Aug. 18/73
amended	...	708/73	Dec. 1/73
amended	...	754/73	Dec. 15/73
amended	...	828/73	Jan. 12/74
amended	...	204/74	Apr. 20/74
amended	...	418/74	June 15/74
amended	...	742/74	Oct. 19/74
amended	...	922/74	Dec. 14/74
amended	...	980/74	Jan. 11/75
Marketing Boards	594	.....	.....
Milk			
Marketing	595	.....	.....
amended	...	358/72	Aug. 5/72
amended	...	590/72	Jan. 13/73
amended	...	527/73	Sept. 8/73
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Classes 3, 4, 5 and 6	596	.....	.....
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amended	...	389/71	Sept. 25/71
amended	...	695/74	Oct. 5/74

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Milk			
Transportation	598	.....	.....
amended	...	122/71	Apr. 10/71
Milk Producers			
Licences	599	.....	.....
amended	...	43/73	Feb. 17/73
Milk Products	600	.....	.....
amended	...	120/72	Apr. 1/72
amended	...	176/73	Apr. 14/73
amended	...	756/74	Oct. 19/74
amended	...	969/74	Jan. 4/75
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General	602	.....	.....
amended	...	175/73	Apr. 14/73
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Assay Coupons	...	658/74	Sept. 21/74
Exploratory Licences and Leases for Oil and Natural Gas North of the Fifty-First Parellel of Latitude	604	.....	.....
amended	...	540/72	Dec. 2/72
Exploratory Licences and Production Leases for Natural Gas in Lake Erie	...	546/71	Jan. 15/72
amended	...	241/72	June 3/72
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 5 (1)*)			
Extension of Duties of Minister	165	.....	.....
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 12 (1)*)			
Colleges of Applied Arts and Technology	...	.....	.....
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Cambrian	...	.....	.....
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amending Reg. 171 of R.R.O. 1970	...	566/72	Dec. 23/72
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 12 (1)*)			
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amended	...	882/74	Nov. 30/74
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Part-Time Student Loans	...	513/73	Sept. 1/73
amended	...	574/74	Aug. 17/74
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 19 (1)*)			
Institutions under Control of Minister	218	.....	.....
Grants for Non-Profit Camps	...	510/72	Nov. 4/72
amended	...	13/73	Jan. 27/73
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Fees	...	724/73	Dec. 8/73
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 59 (1)*)			
General	166	.....	.....
amended	...	146/71	Apr. 24/71
amended	...	336/71	Aug. 21/71
amended	...	194/72	May 13/72
amended	...	74/73	Mar. 10/73
amended	...	884/74	Nov. 30/74
Parole	167	.....	.....
Ministry of Education Act			
(*See also* **Department of Education Act**)			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 61 (1)*)			
Fees for Duplicates of Diplomas, Certificates and Letters of Standing	...	466/72	Sept. 30/72
Diplomas—Elementary and Secondary Schools	...	.....	.....
amending Reg. 190 of R.R.O. 1970	...	560/72	Dec. 16/72
Elementary and Secondary Schools			
General			
amending Reg. 191 of R.R.O. 1970	...	223/74	Apr. 27/74
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amending	...	791/74	Nov. 2/74
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amended	...	139/73	Mar. 31/73
amended	...	309/73	June 9/73
amended	...	500/73	Sept. 1/73
amended	...	722/73	Dec. 8/73
amended	...	136/74	Mar. 23/74
amended	...	818/74	Nov. 16/74
amended	...	879/74	Nov. 30/74
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amended	...	674/74	Sept. 28/74
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amended	...	688/73	Nov. 24/73
amended	...	224/74	Apr. 27/74
amended	...	850/74	Nov. 23/74

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Permanent Teaching Certificates			
(*amending* Reg. 199 of R.R.O. 1970)			
amended	...	530/72	Nov. 18/72
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amended	...	661/73	Nov. 10/73
amended	...	791/73	Dec. 29/73
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amended	...	68/74	Feb. 23/74
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Special Grant	...	880/74	Nov. 30/74
Special Grants for French-Language Instruction in the National Capital Region	...	366/73	July 7/73
Supervisory Officer's Certificate			
amended	...	231/73	May 5/73
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Teachers' Colleges	...	84/74	Mar. 2/74
Teachers' Contracts			
amended	...	676/74	Sept. 28/74
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Textbooks	...	208/74	Apr. 20/74
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amended	...	675/75	Sept. 28/74
Ministry of Health Act, 1972			
Bursaries and Fellowships for Health Study	...	691/73	Nov. 24/73
amended	...	408/74	June 15/74
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Grants	...	358/73	June 30/73
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 88 (1)*)			
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General	...	461/71	Nov. 20/71
amended	...	747/73	Dec. 15/73
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amended	...	719/73	Dec. 8/73
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(*title of Act changed Jan. 1st, 1972, See S.O. 1971, c. 21, s. 1.*)			
General	...	98/71	Mar. 13/71
amended	...	516/71	Jan. 1/72
amended	...	539/71	Jan. 8/72
amended	...	503/72	Oct. 28/72
amended	...	180/74	Apr. 13/74
amended	...	338/74	May 18/74
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amended	...	199/72	May 13/72
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amended	...	574/73	Sept. 22/73
amended	...	571/74	Aug. 17/74
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amended	...	572/74	Aug. 17/74
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(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 104 (1)*)			
Municipal Auditors	215	.....	.....
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amended	...	542/74	Aug. 3/74
amended	...	885/74	Nov. 30/74
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amended	...	258/71	July 3/71
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amended	...	672/74	Sept. 28/74
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Approval of Loans and Guarantees	...	397/72	Aug. 19/72
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amended	...	129/71	Apr. 10/71
amended	...	342/71	Aug. 21/71
amended	...	356/72	Aug. 5/72
amended	...	399/73	July 14/73
Nursing Homes Act, 1972			
General	...	196/72	May 13/72
amended	...	508/72	Nov. 4/72
amended	...	25/73	Feb. 3/73
amended	...	242/73	May 5/73
amended	...	499/73	Sept. 1/73
amended	...	811/73	Jan. 12/74
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amended	...	585/74	Aug. 24/74
amended	...	907/74	Dec. 14/74
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Ontario Health Insurance Organization Act, 1971			
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Ontario Highway Transport Board Act			
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amended	...	191/71	May 22/71
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amended	...	189/72	May 6/72
amended	...	392/72	Aug. 19/72
amended	...	419/72	Sept. 2/72
amended	...	555/73	Sept. 15/73
amended	...	636/73	Oct. 27/73
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Ontario Place Corporation Act, 1972			
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Ontario Producers, Processors, Distributors and Consumers Food Council Act			
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Ontario School Trustees Council Act			
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Ontario Telephone Development Corporation Act			
Composition of Corporation	642	.....	.....
Ontario Universities Capital Aid Corporation Act			
Designated Universities	643	.....	.....
Ontario Water Resources Act			
(*title of Act changed April 1st, 1972, See S.O. 1972, c. 1, s. 70 (1)*)			
Exemptions from Section 38	645	.....	.....
Plumbing Code	647	.....	.....
amended	...	344/71	Aug. 28/71
amended	...	209/72	May 20/72
amended	...	158/73	Apr. 7/73
Rate of Interest	...	107/71	Mar. 20/71
Water Wells	648	.....	.....
Operating Engineers Act			
General	649	.....	.....
amended	...	502/71	Dec. 18/71
amended	...	84/72	Mar. 11/72
amended	...	299/72	July 1/72
amended	...	297/73	June 2/73
amended	...	717/74	Oct. 12/74
Ophthalmic Dispensers Act			
General	650	.....	.....
Optometry Act			
General	651	.....	.....
amended	...	8/73	Jan. 27/73
Ottawa-Carleton Amalgamations and Elections Act, 1973			
Orders of the Minister			
election of councils, Township of Goulbourn, Township of Rideau and Township of West Carleton	...	642/73	Oct. 27/73
amended	...	680/73	Nov. 17/73
determination of name of area municipality	...	706/73	Dec. 1/73

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P			
Paperback and Periodical Distributors Act, 1971			
General	...	409/71	Oct. 2/71
Parks Assistance Act			
General	652	.....	.....
Parkway Belt Planning and Development Act, 1973			
Establishing Parkway Belt Planning Area	...	472/73	Aug. 25/73
amended	...	744/73	Dec. 15/73
Land Use			
County of Halton, Town of Burlington	...	482/73	Aug. 25/73
amended	...	602/73	Oct. 13/73
amended	...	793/73	Dec. 29/73
amended	...	176/74	Apr. 6/74
amended	...	509/74	July 20/74
amended	...	765/74	Oct. 26/74
amended	...	825/74	Nov. 16/74
amended	...	998/74	Jan. 11/75
County of Halton, Town of Milton	...	480/73	Aug. 25/73
County of Halton, Town of Oakville	...	481/73	Aug. 25/73
amended	...	637/73	Aug. 25/73
amended	...	776/73	Oct. 27/73
amended	...	456/74	July 6/74
amended	...	614/74	Aug. 31/74
amended	...	832/74	Nov. 16/74
County of Peel, Toronto Gore	...	476/73	Aug. 25/73
amended	...	171/74	Apr. 6/74
County of Peel, Town of Mississauga	...	479/73	Aug. 25/73
amended	...	172/74	Apr. 6/74
amended	...	996/74	Jan. 11/75
County of Peel, Township of Chinguacousy	...	477/73	Aug. 25/73
amended	...	745/73	Dec. 15/73
County of Wentworth, Town of Dundas	...	486/73	Aug. 25/73
County of Wentworth, Township of East Flamborough	...	483/73	Aug. 25/73
County of Wentworth, Township of West Flamborough	...	484/73	Aug. 25/73
County of Wentworth, Village of Waterdown	...	485/73	Aug. 25/73
amended	...	435/74	June 22/74
Metropolitan Toronto, Borough of Etobicoke	...	478/73	Aug. 25/73
amended	...	66/74	Feb. 23/74
amended	...	90/74	Mar. 2/74
Regional Municipality of York, Town of Markham	...	473/73	Aug. 25/73
amended	...	758/73	Dec. 22/73
amended	...	10/74	Jan. 26/74
amended	...	21/74	Feb. 2/74
amended	...	64/74	Feb. 23/74
amended	...	67/74	Feb. 23/74
amended	...	143/74	Mar. 30/74
amended	...	192/74	Apr. 13/74
amended	...	344/74	May 18/74
amended	...	617/74	Sept. 7/74
amended	...	758/74	Oct. 19/74
amended	...	999/74	Jan. 11/75
Regional Municipality of York, Town of Richmond Hill	...	474/73	Aug. 25/73
amended	...	142/74	Mar. 23/74

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Parkway Belt Planning and Development Act, 1973—*Continued*			
Land Use—*Continued*			
Regional Municipality of York, Town of Vaughan	...	475/73	Aug. 25/74
amended	...	22/74	Feb. 2/74
amended	...	65/74	Feb. 23/74
amended	...	109/74	Mar. 9/74
amended	...	345/74	May 18/74
amended	...	528/74	July 27/74
Partnerships Registration Act			
General	...	347/73	June 23/73
Pension Benefits Act			
General	654	.....	.....
amended	...	475/72	Oct. 7/72
amended	...	230/73	May 5/73
amended	...	452/73	Aug. 18/73
amended	...	387/74	June 1/74
Personal Property Security Act			
Branch Offices	...	207/72	May 20/72
Fees Concerning Security Documents	656	.....	.....
amended	...	459/73	Aug. 18/73
Personal Property Assurance Fund	...	280/71	July 17/71
Pesticides Act			
General	...	618/74	Sept. 7/74
Petroleum Resources Act, 1971			
see also **Energy Act**			
Exploration, Drilling and Production	...	45/72	Feb. 19/72
amended	...	619/73	Oct. 20/73
Spacing Units			
Coveny Pool	...	135/72	Apr. 8/72
Dawn 4-28-111 Pool	...	143/72	Apr. 15/72
Ekfrid Pool	...	423/74	June 22/74
General Dawn 5-27-111 Pool	...	249/74	May 4/74
Hemlock Pool	...	553/74	Aug. 10/74
Petrolia East Pool (*revoking*)	...	760/74	Oct. 26/74
Willey Field (*revolking*)	...	424/74	June 22/74
Pharmacy Act			
Amendment to Schedule C of the Act	...	79/74	Mar. 2/74
Child Resistant Packages	...	362/72	Aug. 12/72
amended	...	190/73	Apr. 21/73
amended	...	498/73	Sept. 1/73
amended	...	52/74	Feb. 16/74
Labelling	658	.....	.....
Parcost C.D.I.	...	683/74	Sept. 28/74
Registration and Apprenticeship	659	.....	.....
amended	...	768/73	Dec. 22/73
Sale of Drugs	660	.....	.....
amended	...	80/74	Mar. 2/74
Standards for Maintenance and Operation of Pharmacies	661	.....	.....
Pits and Quarries Control Act, 1971			
General	...	545/71	Jan. 15/72
amended	...	107/72	Mar. 18/72
amended	...	226/72	May 27/72

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Pits and Quarries Control Act, 1971—*Continued*			
General—*Continued*			
amended	...	47/73	Feb. 24/73
amended	...	94/73	Mar. 17/73
amended	...	501/73	Sept. 1/73
amended	...	93/74	Mar. 2/74
amended	...	393/74	June 1/74
Planning Act			
Orders made under Section 29*a* of The Planning Act			
Town of Midland, Part of Lot 1, Range "D", Plan 467	...	547/74	Aug. 3/74
City of Waterloo, Lot 1, Plan 1250	...	682/74	Sept. 28/74
Township of Bentinck, County of Grey, Lot 40, Concession 1, Plan R-185	...	689/74	Sept. 28/74
Township of Belmont, County of Peterborough, Lot 8, Concession II	...	703/74	Oct. 5/74
Township of Mariposa, County of Victoria, Lot 4, Concession VII	...	803/74	Nov. 9/74
Township of Amaranth, County of Dufferin, Lot 10, Concession II	...	804/74	Nov. 9/74
Township of Bentinck, County of Grey, Lot 15, Concession VII	...	805/74	Nov. 9/74
Township of Percy, County of Northumberland, Part Number 12, RD Plan 74	...	829/74	Nov. 16/74
Town of Bracebridge, District Municipality of Muskoka, Plan No. 35R-2382	...	835/74	Nov. 23/74
Township of Bentinck, County of Grey, Parts of Lots 5 & 13, Plan R-185	...	836/74	Nov. 23/74
Township of Dummer, County of Peterborough, Part of Lot 7, Plan R-348	...	892/74	Dec. 7/74
Township of Percy, County of Northumberland, Part of Lot 39, RD Plan 25	...	893/74	Dec. 7/74
Township of Smith, County of Peterborough, Lot 24, Concession VII, and Lot 7, Concession V, Plan 98	...	894/74	Dec. 7/74
Township of Ashfield, County of Huron, Part of Lot 16, Front Concession, Plan 20	...	905/74	Dec. 7/74
Township of Emily, County of Victoria, Parts of Lots 20 and 21, Plan RD 46	...	906/74	Dec. 7/74
Township of Smith, County of Peterborough, Lot 60, Plan 99	...	923/74	Dec. 21/74
Town of Halton Hills in The Regional Municipality of Halton, Formerly in the Town of Acton, Lot 42, Part of Lot 23, Plan 772, and the Town of Halton Hills in The Regional Municipality of Halton, Formerly in the Township of Esquesing, County of Halton, Part of Lot 11, 3rd Concession, Plan 421, Instrument 270599	...	929/74	Dec. 21/74
Township of Sidney, County of Hastings, Plan HSR 304	...	936/74	Dec. 28/74
Town of Whitchurch-Stouffville in the Regional Municipality of York, Formerly in the Township of Whitchurch in the County of York, Part of Lot 30, Ninth Concession	...	937/74	Dec. 28/74
Township of Bentinck, County of Grey, Parts of Lots 14, 15 and 16, Plan R-185	...	940/74	Dec. 28/74
Township of Emily, County of Victoria, Lot 22, 14th Concession, Plan RD 49	...	952/74	Jan. 4/75

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Planning Act—*Continued*			
Orders made under Section 29*a* of The Planning Act—*Continued*			
Town of Stayner, County of Simcoe, Part of Lot 25, Plan 68, Instrument Nos. 336641 and 331746	...	953/74	Jan. 4/75
Township of Flos, County of Simcoe, Lot 9, Concession 1, Plan R-808, Instrument No. 300439	...	954/74	Jan. 4/75
Township of West Hawkesbury, County of Prescott, Part of Lot 9, Concession IV, Plan No. 106	...	955/74	Jan. 4/75
Village of Colborne, County of Northumberland, Parts of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Plan No. RD 65	...	957/74	Jan. 4/75
Township of Galway, County of Peterborough, Plan R-357	...	958/74	Jan. 4/75
Township of Cavan, County of Peterborough, Formerly County of Durham, Lot 23, Concession VIII, Instrument No. N13794 and Lot 23, 14th Concession, Instrument No. 29529, and Lot 9, Concession 14, compiled Plan 110 and Parts of Lots 65 to 79, Plan No. 9R-185	...	959/74	Jan. 4/75
Township of Bentinck, County of Grey, Plan 53, Part of Lot 3, Formerly Lot 30, Concession 1 and Part of Lot 15, Concession VII	...	995/74	Jan. 11/75
Township of Cavan, County of Peterborough, Parts of Lots 4 and 5 in Concession VIII, Lot 7, Plan 122 for Township of Cavan	...	1000/74	Jan. 11/75
Township of Dummer, County of Peterborough, Part of Lot 32, 10th Concession, Part I on Plan R-348 and right-of-way, Parts of Lots 31 and 32 in 10th Concession, Parts of Lots 1 and 2 on Plan R-335A	...	1001/74	Jan. 11/75
Restricted Areas			
Blind River	662	.....	.....
City of Timmins	...	181/74	Apr. 13/74
amended	...	392/74	June 1/74
County of Brant—Town of Brantford	...	295/74	May 11/74
amended	...	472/74	July 6/74
amended	...	582/74	Aug. 24/74
County of Bruce—Town of Brant	...	273/74	May 11/74
amended	...	472/74	July 6/74
County of Bruce—Town of Carrick	...	274/74	May 11/74
amended	...	472/74	July 6/74
County of Bruce—Town of Huron	...	272/74	May 11/74
amended	...	472/74	July 6/74
County of Bruce—Town of Kincardine	...	329/74	May 11/74
amended	...	472/74	July 6/74
amended	...	751/74	Oct. 19/74
amended	...	842/74	Nov. 23/74
County of Dufferin—Township of Mono	...	233/74	May 4/74
amended	...	450/74	June 22/74
amended	...	812/74	Nov. 9/74
County of Elgin—Township of Bayham	...	284/74	May 11/74
amended	...	472/74	July 6/74
County of Elgin—Town of Malahide	...	283/74	May 11/74
amended	...	472/74	July 6/74
amended	...	802/74	Nov. 9/74
County of Essex—Town of Colchester South	...	275/74	May 11/74
amended	...	472/74	July 6/74
County of Essex—Township of Gosfield North	...	277/74	May 11/74
amended	...	472/74	July 6/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Essex—Town of Mersea		276/74	May 11/74
amended		472/74	July 6/74
amended		586/74	Aug. 24/74
County of Frontenac—Township of Oso		681/74	Sept. 28/74
County of Grey—Town of Bentinck		293/74	May 11/74
amended		472/74	July 6/74
amended		546/74	Aug. 3/74
County of Grey—Township of Glenelg		294/74	May 11/74
amended		472/74	July 6/74
County of Grey—Township of Sarawak		292/74	May 11/74
amended		472/74	July 6/74
County of Haldimand (*now Regional Municipality of Haldimand-Norfolk*) Township of Canborough		279/73	June 2/73
amended		582/73	Sept. 29/73
amended		15/74	Jan. 26/74
amended		149/74	Mar. 30/74
amended		217/74	Apr. 27/74
amended		667/74	Sept. 21/74
amended		787/74	Nov. 2/74
amended		948/74	Dec. 28/74
County of Haldimand—Township of Dunn		280/74	June 2/73
amended		470/73	Aug. 25/73
amended		528/73	Sept. 8/73
amended		592/73	Oct. 6/73
amended		629/73	Oct. 27/73
amended		647/73	Nov. 3/73
amended		725/73	Dec. 8/73
amended		765/73	Dec. 22/73
amended		45/74	Feb. 16/74
amended		150/74	Mar. 30/74
amended		461/74	July 6/74
amended		550/74	Aug. 3/74
amended		593/74	Aug. 24/74
amended		767/74	Oct. 26/74
amended		861/74	Nov. 30/74
amended		899/74	Dec. 7/74
amended		914/74	Dec. 14/74
amended		981/74	Jan. 11/75
County of Haldimand—Township of Moulton		281/73	June 2/73
amended		218/74	Apr. 27/74
amended		590/74	Aug. 24/74
amended		668/74	Sept. 21/74
County of Haldimand—Township of Rainham		282/73	June 2/73
amended		693/73	Nov. 24/73
amended		726/73	Dec. 8/73
amended		73/74	Feb. 23/74
amended		141/74	Mar. 23/74
amended		583/74	Aug. 24/74
County of Haldimand—Township of Sherbrooke		283/73	June 2/73
amended		119/74	Mar. 16/74
amended		219/74	Apr. 27/74
amended		744/74	Oct. 19/74
amended		982/74	Jan. 11/75
County of Haldimand—Township of South Cayuga		284/73	June 2/73
amended		469/73	Aug. 25/73

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Haldimand—Township of South Cayuga —*Continued*			
amended	...	587/73	Oct. 6/73
amended	...	694/73	Nov. 24/73
amended	...	766/73	Dec. 22/73
amended	...	782/73	Dec. 29/73
amended	...	82/74	Mar. 2/74
amended	...	138/74	Mar. 23/74
amended	...	245/74	May 4/74
amended	...	591/74	Aug. 24/74
amended	...	900/74	Dec. 7/74
amended	...	915/74	Dec. 14/74
County of Haldimand—Township of Walpole	...	285/73	June 2/73
amended	...	504/73	Sept. 1/73
amended	...	584/73	Sept. 29/73
amended	...	615/73	Oct. 20/73
amended	...	727/73	Dec. 8/73
amended	...	783/73	Dec. 29/73
amended	...	96/74	Mar. 9/74
amended	...	145/74	Mar. 30/74
amended	...	234/74	May 4/74
amended	...	378/74	May 25/74
amended	...	479/74	July 13/74
amended	...	536/74	July 27/74
amended	...	669/74	Sept. 21/74
amended	...	745/74	Oct. 19/74
amended	...	827/74	Nov. 16/74
amended	...	843/74	Nov. 23/74
County of Haliburton—Township of Cardiff	663	.....	.....
County of Halton—Town of Oakville	...	667/73	Nov. 17/73
County of Hastings—Township of Sidney	...	319/74	May 11/74
amended	...	472/74	July 6/74
County of Hastings—Township of Thurlow	...	318/74	May 11/74
amended	...	472/74	July 6/74
County of Huron—Township of Colborne	...	750/73	Dec. 15/73
amended	...	640/74	Sept. 14/74
County of Huron—Township of East Wawanosh	...	349/74	May 18/74
amended	...	994/74	Jan. 11/74
County of Huron—Township of Goderich	...	749/73	Dec. 15/73
amended	...	521/74	July 27/74
County of Huron—Township of Hay	...	288/74	May 11/74
amended	...	472/74	July 6/74
County of Huron—Township of Morris	...	291/74	May 11/74
amended	...	472/74	July 6/74
County of Huron—Township of Stephen	...	289/74	May 11/74
amended	...	472/74	July 6/74
amended	...	841/74	Nov. 23/74
County of Huron—Township of Turnberry	...	290/74	May 11/74
amended	...	472/74	July 6/74
County of Huron—Township of Usborne	...	287/74	May 11/74
amended	...	472/74	July 6/74
County of Kent—Township of Camden	...	278/74	May 11/74
amended	...	472/74	July 6/74
amended	...	663/74	Sept. 21/74
County of Kent—Township of Chatham	...	10/73	Jan. 27/73
amended	...	102/73	Mar. 17/73

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Kent—Township of Chatham—*Continued*			
amended		258/73	May 12/73
amended		340/73	June 23/73
amended		428/73	July 28/73
amended		660/73	Nov. 10/73
amended		700/73	Dec. 1/73
amended		777/73	Dec. 22/73
amended		596/74	Aug. 31/74
amended		665/74	Sept. 21/74
amended		755/74	Oct. 19/74
amended		838/74	Nov. 23/74
County of Kent—Township of Harwich		11/73	Jan. 27/73
amended		103/73	Mar. 17/73
amended		198/73	Apr. 21/73
amended		199/73	Apr. 21/73
amended		699/73	Dec. 1/73
amended		4/74	Jan. 19/74
amended		403/74	June 8/74
amended		500/74	July 20/74
amended		754/74	Oct. 19/74
County of Kent—Township of Raleigh		12/73	Jan. 27/73
amended		104/73	Mar. 17/73
amended		322/73	June 16/73
amended		779/73	Dec. 29/73
amended		597/74	Aug. 31/74
amended		639/74	Sept. 14/74
amended		753/74	Oct. 19/74
amended		839/74	Nov. 23/74
amended		992/74	Jan. 11/75
County of Lambton—Township of Bosanquet		280/74	May 11/74
County of Lambton—Township of Enniskillen		282/74	May 11/74
amended		472/74	July 6/74
County of Lambton—Township of Plympton		279/74	May 11/74
amended		472/74	July 6/74
County of Lambton—Township of Warwick		281/74	May 11/74
amended		472/74	July 6/74
amended		655/74	Sept. 14/74
County of Lanark—Township of Bathurst		306/74	May 11/74
amended		472/74	July 6/74
County of Lanark—Township of Beckwith		305/74	May 11/74
amended		472/74	July 6/74
County of Lanark—Township of Drummond		307/74	May 11/74
amended		472/74	July 6/74
County of Lanark—Township of North Elmsley		308/74	May 11/74
amended		472/74	July 6/74
County of Lanark—Township of Ramsay		304/74	May 11/74
amended		472/74	July 6/74
County of Lanark—Township of South Sherbrooke		680/74	Sept. 28/74
amended		946/74	Dec. 28/74
County of Leeds and Grenville—Township of Front of Leeds and Lansdowne		309/74	May 11/74
amended		472/74	July 6/74
County of Leeds and Grenville—Township of South Elmsley		310/74	May 11/74
amended		472/74	July 6/74
amended		786/74	Nov. 2/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Norfolk (*now Regional Municipality of Haldimand-Norfolk*)—Township of Charlotteville	...	286/73	June 2/73
amended	...	435/73	Aug. 4/73
amended	...	490/73	Aug. 25/73
amended	...	552/73	Sept. 15/73
amended	...	598/73	Oct. 13/73
amended	...	648/73	Nov. 3/73
amended	...	679/73	Nov. 17/73
amended	...	825/73	Jan. 12/74
amended	...	83/74	Mar. 2/74
amended	...	152/74	Mar. 30/74
amended	...	209/74	Apr. 20/74
amended	...	379/74	May 25/74
amended	...	390/74	June 1/74
amended	...	480/74	July 13/74
amended	...	526/74	July 20/74
amended	...	594/74	Aug. 24/74
amended	...	642/74	Sept. 14/74
amended	...	797/74	Nov. 9/74
amended	...	901/74	Dec. 7/74
County of Norfolk—Township of Houghton	...	287/73	June 2/73
County of Norfolk—Township of Middleton	...	288/73	June 2/73
amended	...	577/73	Sept. 29/73
County of Norfolk—Township of Middleton	...	347/74	May 18/74
County of Norfolk—Township of South Walsingham	...	289/73	June 2/73
amended	...	436/73	Aug. 4/73
amended	...	649/73	Nov. 3/73
amended	...	74/74	Feb. 23/74
amended	...	198/74	Apr. 13/74
amended	...	624/74	Sept. 7/74
amended	...	903/74	Dec. 7/74
amended	...	904/74	Dec. 7/74
County of Norfolk—Township of Townsend	...	290/73	June 2/73
amended	...	414/73	July 21/73
amended	...	496/73	Sept. 1/73
amended	...	585/73	Sept. 29/73
amended	...	588/73	Oct. 6/73
amended	...	594/73	Oct. 6/73
amended	...	650/73	Nov. 3/73
amended	...	656/73	Nov. 10/73
amended	...	728/73	Dec. 8/73
amended	...	767/73	Dec. 22/73
amended	...	784/73	Dec. 29/73
amended	...	62/74	Feb. 23/74
amended	...	97/74	Mar. 9/74
amended	...	144/74	Mar. 30/74
amended	...	182/74	Apr. 13/74
amended	...	194/74	Apr. 13/74
amended	...	199/74	Apr. 13/74
amended	...	389/74	June 1/74
amended	...	391/74	June 1/74
amended	...	405/74	June 8/74
amended	...	437/74	June 22/74
amended	...	549/74	Aug. 3/74
amended	...	584/74	Aug. 24/74
amended	...	670/74	Sept. 21/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Norfolk—Township of Townsend —*Continued*			
amended		746/74	Oct. 19/74
amended		844/74	Nov. 23/74
amended		908/74	Dec. 14/74
County of Norfolk—Township of Woodhouse		291/73	June 2/73
amended		471/73	Aug. 25/73
amended		589/73	Oct. 6/73
amended		651/73	Nov. 3/73
amended		678/73	Nov. 17/73
amended		785/73	Dec. 29/73
amended		63/74	Feb. 23/74
amended		161/74	Apr. 6/74
amended		197/74	Apr. 13/74
amended		351/74	May 18/74
amended		391/74	June 1/74
amended		501/74	July 20/74
amended		592/74	Aug. 24/74
amended		769/74	Oct. 26/74
amended		833/74	Nov. 23/74
County of Northumberland—Township of Murray		320/74	May 11/74
amended		472/74	July 6/74
County of Ontario (*now Regional Municipality of Durham*)—Township of Mara		205/73	Apr. 28/73
County of Ontario—Township of Pickering		102/72	Mar. 18/72
amended		179/72	May 6/72
amended		294/72	July 1/72
amended		404/72	Aug. 26/72
amended		488/72	Oct. 21/72
amended		2/73	Jan. 20/73
amended		49/73	Feb. 24/73
amended		100/73	Mar. 17/73
amended		711/73	Dec. 1/73
amended		786/73	Dec. 29/73
amended		98/74	Mar. 9/74
amended		463/74	July 6/74
amended		577/74	Aug. 17/74
amended		657/74	Sept. 21/74
amended		692/74	Sept. 28/74
amended		809/74	Nov. 9/74
amended		928/74	Dec. 21/74
County of Ontario—Township of Scott		105/72	Mar. 18/72
amended		277/72	June 17/72
amended		348/72	July 29/72
amended		406/72	Aug. 26/72
amended		492/72	Oct. 21/72
amended		525/72	Nov. 11/72
amended		99/73	Mar. 17/73
amended		237/73	May 5/73
amended		345/73	June 23/73
amended		526/73	Sept. 8/73
amended		652/73	Nov. 3/73
amended		697/73	Nov. 24/73
amended		14/74	Jan. 26/74
amended		263/74	May 11/74
amended		433/74	June 22/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Ontario—Township of Scott—*Continued*			
amended		603/74	Aug. 31/74
amended		738/74	Oct. 19/74
amended		739/74	Oct. 19/74
County of Ontario-Township of Uxbridge		103/72	Mar. 18/72
amended		275/72	June 17/72
amended		405/72	Aug. 26/72
amended		489/72	Oct. 21/72
amended		490/72	Oct. 21/72
amended		236/73	May 5/73
amended		607/73	Oct. 20/73
amended		132/74	Mar. 23/74
amended		464/74	July 6/74
amended		736/74	Oct. 19/74
County of Oxford—Township of Blandford		33/73	Feb. 10/73
amended		55/73	Feb. 24/73
amended		404/74	June 8/74
amended		625/74	Sept. 7/74
County of Oxford—Township of Dereham		348/74	May 18/74
amended		993/74	Jan. 11/75
County of Oxford—Township of East Zorra		44/73	Feb. 17/73
amended		200/73	Apr. 21/73
amended		778/73	Dec. 22/73
amended		5/74	Jan. 19/74
amended		195/74	Apr. 13/74
amended		840/74	Nov. 23/74
County of Perth—Township of Elma		285/74	May 11/74
amended		472/74	July 6/74
County of Perth—Township of Wallace		286/74	May 11/74
amended		472/74	July 6/74
amended		666/74	Sept. 21/74
County of Peterborough—Township of Cavan		303/74	May 11/74
amended		472/74	July 6/74
amended		511/74	July 20/74
County of Peterborough—Township of North Monaghan		66/73	Mar. 3/73
amended		396/73	July 14/73
amended		609/73	Oct. 20/73
amended		588/74	Aug. 24/74
amended		951/74	Dec. 28/74
amended		976/74	Jan. 4/75
County of Prescott and Russell—Township of West Hawkesbury		321/74	May 11/74
amended		472/74	July 6/74
County of Prince Edward—Township of Hallowell		326/74	May 11/74
amended		472/74	July 6/74
amended		824/74	Nov. 16/74
amended		854/74	Nov. 23/74
County of Prince Edward—Township of North Marysburg		328/74	May 11/74
amended		472/74	July 6/74
County of Prince Edward—Township of Sophiasburg		327/74	May 11/74
amended		472/74	July 6/74
County of Renfrew—Township of Admaston		316/74	May 11/74
amended		472/74	July 6/74
County of Renfrew—Township of Alice and Fraser		314/74	May 11/74
amended		472/74	July 6/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
County of Renfrew—Township of Horton	...	317/74	May 11/74
amended	...	472/74	July 6/74
County of Renfrew—Township of McNab	...	311/74	May 11/74
County of Renfrew—Township of Pembroke	...	315/74	May 11/74
amended	...	472/74	July 6/74
amended	...	527/74	July 27/74
County of Renfrew—Township of Rolph, Buchanan, Wylie and McKay	...	312/74	May 11/74
amended	...	472/74	July 6/74
County of Renfrew—Township of Stafford	...	313/74	May 11/74
amended	...	472/74	July 6/74
County of Simcoe—Township of Adjala	...	301/74	May 11/74
amended	...	472/74	July 6/74
County of Simcoe—Township of Essa	...	299/74	May 11/74
amended	...	472/74	July 6/74
County of Simcoe—Township of Tay	...	298/74	May 11/74
amended	...	472/74	July 6/74
County of Simcoe—Township of Tecumseth	...	300/74	May 11/74
amended	...	472/74	July 6/74
County of Simcoe—Township of Vespra	...	62/73	Mar. 3/73
amended	...	593/73	Oct. 6/73
amended	...	17/74	Jan. 26/74
amended	...	115/74	Mar. 16/74
amended	...	406/74	June 15/74
amended	...	595/74	Aug. 24/74
amended	...	623/74	Sept. 7/74
amended	...	932/74	Dec. 28/74
County of Victoria—Township of Ops	...	302/74	May 11/74
amended	...	472/74	July 6/74
amended	...	633/74	Sept. 14/74
District of Cochrane—			
Township of Glackmeyer	...	271/74	May 11/74
Town of Kapuskasing	669	.....	.....
amended	...	503/71	Dec. 18/71
District of Kenora, Patricia Portion	...	68/71	Feb. 20/71
amended	...	380/71	Sept. 25/71
amended	...	33/74	Feb. 9/74
District of Kenora, Patricia Portion	...	69/71	Feb. 20/71
amended	...	422/71	Oct. 9/71
amended	...	412/73	July 21/73
amended	...	34/74	Feb. 9/74
District of Nipissing—Township of Strathy	666	.....	.....
amended	...	740/73	Dec. 15/73
Districts of Nipissing and Timiskaming	668	.....	.....
District of Rainy River—Township of Alberton	...	268/74	May 11/74
amended	...	472/74	July 6/74
District of Timiskaming	671	.....	.....
amended	...	88/74	Mar. 2/74
District of Timiskaming—Township of Dymond	...	269/74	May 11/74
amended	...	472/74	July 6/74
amended	...	616/74	Aug. 31/74
amended	...	815/74	Nov. 16/74
Improvement District of Temagami	667	.....	.....
amended	...	561/72	Dec. 16/72
amended	...	355/73	June 30/73
amended	...	875/74	Nov. 30/74
amended	...	939/74	Dec. 28/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
Part of the Corporation of the City of Timmins	...	597/72	Jan. 13/73
amended	...	434/73	Aug. 4/73
amended	...	646/73	Nov. 3/73
amended	...	795/73	Dec. 29/73
amended	...	775/74	Oct. 26/74
amended	...	933/74	Dec. 28/74
Part of the District of Algoma	...	997/74	Jan. 11/75
Part of the District of Manitoulin	...	153/74	Mar. 30/74
Part of the District of Nipissing	...	540/74	Aug. 3/74
Part of the District of Rainy River	...	449/74	June 29/74
Part of the District of Sudbury	...	568/72	Dec. 30/72
amended	...	342/73	June 23/73
amended	...	416/73	July 21/73
amended	...	507/73	Sept. 1/73
amended	...	581/73	Sept. 29/73
amended	...	655/73	Nov. 10/73
amended	...	709/73	Dec. 1/73
amended	...	781/73	Dec. 29/73
amended	...	76/74	Feb. 23/74
amended	...	154/74	Mar. 30/74
amended	...	247/74	May 4/74
amended	...	434/74	June 22/74
amended	...	498/74	July 20/74
amended	...	587/74	Aug. 24/74
amended	...	615/74	Aug. 31/74
amended	...	776/74	Oct. 26/74
amended	...	834/74	Nov. 23/74
amended	...	902/74	Dec. 7/74
Part of the District of Sudbury—Township of Baldwin	...	270/74	May 11/74
amended	...	472/74	July 6/74
Regional Municipality of Durham, Town of Ajax	...	18/74	Jan. 26/74
amended	...	466/74	July 6/74
Regional Municipality of Durham, Town of Pickering	...	19/74	Jan. 26/74
amended	...	38/74	Feb. 9/74
Regional Municipality of Durham, Town of Whitby	...	467/74	July 6/74
amended	...	651/74	Sept. 14/74
Regional Municipality of Hamilton-Wentworth, Township of Flamborough	...	297/74	May 11/74
amended	...	472/74	July 6/74
amended	...	860/74	Nov. 30/74
Municipality of Metropolitan Toronto, Borough of Scarborough	...	20/74	Jan. 26/74
Regional Municipality of Niagara, Township of West Lincoln	...	296/74	May 11/74
amended	...	472/74	July 6/74
Regional Municipality of Ottawa-Carleton	670	.....	.....
Regional Municipality of Ottawa-Carleton, Township of Cumberland	...	323/74	May 11/74
amended	...	472/74	July 6/74
Regional Municipality of Ottawa-Carleton, Township of Gloucester (*revoking*)	...	352/74	May 18/74
Regional Municipality of Ottawa-Carleton, Township of Marlborough	...	529/73	Sept. 8/73
amended	...	210/74	Apr. 20/74
amended	...	330/74	May 11/74

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Planning Act—*Continued*			
Restricted Areas—*Continued*			
Regional Municipality of Ottawa-Carleton, Township of Marlborough—*Continued*			
amended	...	331/74	May 11/74
amended	...	458/74	July 6/74
amended	...	484/74	July 13/74
amended	...	524/74	July 27/74
amended	...	704/74	Oct. 12/74
amended	...	852/74	Nov. 23/74
Regional Municipality of Ottawa-Carleton, Township of Rideau	...	322/74	May 11/74
amended	...	472/74	July 6/74
Regional Municipality of Ottawa-Carleton, Township of West Carleton	...	325/74	May 11/74
amended	...	472/74	July 6/74
amended	...	499/74	July 20/74
Regional Municipality of Peel, City of Mississauga	...	870/74	Nov. 30/74
Regional Municipality of York, Town of Markham	...	104/72	Mar. 18/72
amended	...	145/72	Apr. 15/72
amended	...	227/72	May 27/72
amended	...	276/72	June 17/72
amended	...	360/72	Aug. 5/72
amended	...	491/72	Oct. 21/72
amended	...	1/73	Jan. 20/73
amended	...	98/73	Mar. 17/73
amended	...	196/73	Apr. 21/73
amended	...	306/73	June 9/73
amended	...	344/73	June 23/73
amended	...	696/73	Nov. 24/73
amended	...	13/74	Jan. 26/74
amended	...	81/74	Mar. 2/74
amended	...	262/74	May 11/74
amended	...	465/74	July 6/74
amended	...	602/74	Aug. 31/74
amended	...	652/74	Sept. 14/74
amended	...	737/74	Oct. 19/74
Regional Municipality of York, Town of Whitchurch-Stouffville	...	101/72	Mar. 18/72
amended	...	347/72	July 27/72
amended	...	403/72	Aug. 26/72
amended	...	487/72	Oct. 21/72
amended	...	545/72	Dec. 2/72
amended	...	50/73	Feb. 24/73
amended	...	105/73	Mar. 17/73
amended	...	201/73	Apr. 21/73
amended	...	353/73	June 30/73
amended	...	425/73	July 28/73
amended	...	550/73	Sept. 15/73
amended	...	606/73	Oct. 20/73
amended	...	710/73	Dec. 1/73
amended	...	12/74	Jan. 26/74
amended	...	87/74	Mar. 2/74
amended	...	151/74	Mar. 30/74
amended	...	261/74	May 11/74
amended	...	407/74	June 15/74
amended	...	462/74	July 6/74
amended	...	482/74	July 13/74
amended	...	691/74	Sept. 28/74

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Planning Act—*Continued*			
Rules of Procedure	672	.....	.....
Consent Applications	...	493/71	Dec. 11/71
amended	...	644/74	Sept. 14/74
Minor Variance Applications	...	494/71	Dec. 11/71
amended	...	19/73	Feb. 3/73
amended	...	645/74	Sept. 14/74
Subdivision Control	673	.....	.....
Subdivision Control	...	216/72	May 20/72
Subdivision Control	...	402/72	Aug. 26/72
Zoning Order			
County of Essex, Township of Tilbury North	674	.....	.....
amended	...	401/71	Oct. 2/71
amended	...	508/71	Dec. 18/71
amended	...	301/72	July 1/72
amended	...	315/72	July 8/72
amended	...	583/73	Sept. 29/73
amended	...	752/74	Oct. 19/74
County of Simcoe, Township of Nottawasaga	675	.....	.....
amended	...	163/71	May 8/71
amended	...	237/71	June 19/71
amended	...	333/71	Aug. 14/71
amended	...	438/71	Oct. 30/71
amended	...	133/72	Apr. 1/72
amended	...	202/72	May 13/72
amended	...	417/72	Sept. 2/72
amended	...	507/72	Nov. 4/72
amended	...	6/73	Jan. 27/73
amended	...	204/73	Apr. 28/73
amended	...	601/73	Oct. 13/73
amended	...	11/74	Jan. 26/74
amended	...	202/74	Apr. 20/74
amended	...	478/74	July 13/74
amended	...	548/74	Aug. 3/74
amended	...	770/74	Oct. 26/74
District of Algoma	...	487/71	Dec. 4/71
District of Kenora	...	482/71	Dec. 4/71
District of Nipissing	...	486/71	Dec. 4/71
District of Parry Sound	...	484/71	Dec. 4/71
District of Rainy River	...	483/71	Dec. 4/71
District of Sudbury	...	485/71	Dec. 4/71
Plant Diseases Act			
General	677	.....	.....
Police Act			
Arbitration	678	.....	.....
Equipment	679	.....	.....
General	680	.....	.....
amended	...	10/71	Jan. 23/71
amended	...	296/73	June 2/73
amended	...	970/74	Jan. 4/75
Municipal Police Forces	...	780/73	Dec. 29/73
Responsibility of Policing	681	.....	.....

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Power Corporation Act			
(title of Act changed March 4th, 1974, See S.O. 1973, c. 57, s. 1 and s. 19, formerly The Power Commission Act)			
Conversion to Sixty Cycles	682	.....	.....
Electrical Safety Code	...	168/73	Apr. 14/73
amended	...	898/74	Dec. 7/74
Fees	...	564/73	Sept. 22/73
Pension and Insurance Plan	685	.....	.....
amended	...	22/71	Jan. 30/71
amended	...	135/71	Apr. 17/71
amended	...	70/72	Feb. 26/72
amended	...	165/73	Apr. 14/73
amended	...	123/74	Mar. 16/74
Water Heaters	686	.....	.....
Prearranged Funeral Services Act			
Trust Accounts	687	.....	.....
Pregnant Mare Urine Farms Act			
General	688	.....	.....
amended	...	211/71	May 29/71
Private Hospitals Act			
General	689	.....	.....
amended	...	417/71	Oct. 9/71
Private Investigators and Security Guards Act			
General	690	.....	.....
amended	...	76/73	Mar. 10/73
Private Vocational Schools Act, 1974			
General	...	881/74	Nov. 30/74
Professional Engineers Act			
Consulting Engineers	...	60/73	Mar. 3/73
Designation of Specialists	...	59/73	Mar. 3/73
General	691	.....	.....
Practice and Procedure for Hearings	...	111/71	Mar. 20/71
Property Tax Stabilization Act, 1973			
General	...	9/74	Jan. 19/74
amended	...	339/74	May 18/74
amended	...	977/74	Jan. 4/75
Property Tax Stabilization Act, 1973			
General	...	978/74	Jan. 4/75
Provincial Courts Act			
General	692	.....	.....
Remuneration of Part-Time Provincial Judges	...	353/74	May 25/74
Salaries and Benefits of Provincial Judges	...	26/74	Feb. 2/74
Provincial Land Tax Act			
Authorized Officers	...	40/74	Feb. 9/74
General	694	.....	.....
amended	...	269/72	June 17/72

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Provincial Parks Act			
Designation of Parks	695	.....	.....
amended	...	114/71	Mar. 20/71
amended	...	72/72	Feb. 26/72
amended	...	245/72	June 10/72
amended	...	345/72	July 29/72
amended	...	473/72	Sept. 30/72
amended	...	46/73	Feb. 24/73
amended	...	110/73	Mar. 24/73
amended	...	111/73	Mar. 24/73
amended	...	46/74	Feb. 16/74
amended	...	451/74	June 29/74
amended	...	607/74	Aug. 31/74
General	696	.....	.....
amended	...	172/72	Apr. 29/72
amended	...	313/72	July 8/72
amended	...	395/73	July 14/73
amended	...	671/74	Sept. 28/74
amended	...	858/74	Nov. 23/74
Guides in Quetico Provincial Park	697	.....	.....
Psychologists Registration Act			
General	698	.....	.....
amended	...	334/74	May 18/74
Public Commercial Vehicles Act			
Carrying Goods in Bond	699	.....	.....
amended	...	197/72	May 13/72
General	700	.....	.....
amended	...	18/71	Jan. 23/71
amended	...	62/71	Feb. 13/71
amended	...	200/72	May 13/72
amended	...	364/72	Aug. 12/72
amended	...	144/73	Apr. 7/73
amended	...	416/74	June 15/74
Public Health Act			
Camps in Unorganized Territory	701	.....	.....
Capital Grants for Community Health Facilities	702	.....	.....
Communicable Diseases	703	.....	.....
amended	...	413/71	Oct. 9/71
Community Health Services	704	.....	.....
Designation of Human Ailments	705	.....	.....
Food Premises	706	.....	.....
amended	...	428/72	Sept. 9/72
amended	...	356/73	June 30/73
Grants to Boards of Health	709	.....	.....
Health Units			
Areas that may be included in Health Units	710	.....	.....
amended	...	75/71	Feb. 27/71
amended	...	144/71	Apr. 17/71
amended	...	399/71	Oct. 2/71
amended	...	131/72	Apr. 1/72
amended	...	35/74	Feb. 9/74
amended	...	53/74	Feb. 16/74
amended	...	563/74	Aug. 10/74
amended	...	641/74	Sept. 14/74

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Public Health Act—*Continued*			
Health Units—*Continued*			
General	711	.....	.....
amended	...	42/71	Feb. 6/71
amended	...	51/71	Feb. 13/71
amended	...	120/71	Apr. 10/71
amended	...	128/71	Apr. 10/71
amended	...	145/71	Apr. 17/71
amended	...	198/71	May 29/71
amended	...	199/71	May 29/71
amended	...	400/71	Oct. 2/71
amended	...	456/71	Nov. 6/71
amended	...	127/72	Apr. 1/72
amended	...	272/73	May 26/73
amended	...	1/74	Jan. 19/74
amended	...	2/74	Jan. 19/74
amended	...	36/74	Feb. 9/74
amended	...	50/74	Feb. 16/74
amended	...	562/74	Aug. 10/74
Indigent Patients	712	.....	.....
amended	...	328/73	June 16/73
Laboratories	...	483/72	Oct. 14/72
amended	...	343/73	June 23/73
amended	...	420/73	July 14/73
amended	...	463/73	Aug. 18/73
amended	...	766/74	Oct. 26/74
amended	...	888/74	Nov. 30/74
Pasteurization Areas	713	.....	.....
Pasteurization Plants	714	.....	.....
amended	...	130/74	Mar. 16/74
amended	...	561/74	Aug. 10/74
Plumbing in Unorganized Territory	715	.....	.....
Public Swimming Pools	...	129/74	Mar. 16/74
Qualifications of Medical Officers of Health, Public Health Inspectors and Public Health Nurses	...	126/72	Apr. 1/72
Sanitary Code for Unorganized Territory	718	.....	.....
amended	...	228/74	May 4/74
Slaughter-Houses and Meat Processing Plants	719	.....	.....
Specimen Collection Centres	...	250/74	May 11/74
Summer Camps	720	.....	.....
X-Ray Safety	721	.....	.....
Public Hospitals Act			
Capital Financial Assistance for Hospital Construction and Renovation	722	.....	.....
Capital Grants for Ambulance Facilities	723	.....	.....
Capital Grants for Local Rehabilitation and Crippled Children's Centres	...	407/71	Oct. 2/71
Capital Grants for Regional Rehabilitation Hospitals	724	.....	.....
Capital Grants for Teaching Hospitals	725	.....	.....
Classification of Hospitals	726	.....	.....
amended	...	61/71	Feb. 13/71
amended	...	118/71	Apr. 3/71
amended	...	244/71	June 19/71
amended	...	375/71	Sept. 18/71
amended	...	436/71	Oct. 30/71
amended	...	146/72	Apr. 15/72

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Public Hospitals Act—*Continued*			
Classification of Hospitals—*Continued*			
amended	...	176/72	Apr. 29/72
amended	...	211/72	May 20/72
amended	...	513/72	Nov. 4/72
amended	...	219/73	Apr. 28/73
amended	...	763/73	Dec. 22/73
amended	...	808/73	Jan. 12/74
amended	...	41/74	Feb. 9/74
amended	...	168/74	Apr. 6/74
amended	...	191/74	Apr. 13/74
Grants			
Capital	727	.....	.....
amended	...	445/74	June 29/74
Hospital Management	729	.....	.....
amended	...	119/71	Apr. 3/71
amended	...	229/71	June 12/71
amended	...	353/71	Sept. 4/71
amended	...	170/72	Apr. 22/72
amended	...	193/72	May 13/72
amended	...	247/72	June 10/72
amended	...	100/74	Mar. 9/74
Special Grant	...	807/73	Jan. 12/74
amended	...	441/74	June 29/74
Special Grant	...	44/74	Feb. 9/74
Special Grant	...	169/74	Apr. 6/74
Special Grant	...	189/74	Apr. 13/74
Special Grant	...	442/74	June 29/74
Special Grants	...	896/74	Dec. 7/74
Public Lands Act			
Restricted Areas			
District of Algoma	...	293/71	July 31/71
District of Algoma	...	147/72	Apr. 15/72
District of Cochrane	732	.....	.....
District of Cochrane	...	447/74	June 29/74
District of Cochrane-Devitt, Eilber, McCowan, Baker, McCrea and Idington	733	.....	.....
District of Cochrane, Townships of Fournier, Lamarche, Clute and Hanna	734	.....	.....
District of Kenora	735	.....	.....
Districts of Kenora and Thunder Bay	...	360/73	June 30/73
District of Kenora—Patricia Portion	...	437/71	Oct. 30/71
District of Nipissing	...	785/74	Oct. 26/74
District of Parry Sound	...	964/74	Jan. 4/75
District of Sudbury	737	.....	.....
District of Sudbury			
Townships of Cochrane, Chapleau, Gallagher, Panet, Tp. 28 and Tp. 29	738	.....	.....
Townships of Wakami and Tp. 22	739	.....	.....
District of Thunder Bay	740	.....	.....
District of Thunder Bay	741	.....	.....
District of Thunder Bay	...	86/73	Mar. 10/73
District of Thunder Bay—			
Townships of Blackwell, Conacher, Forbes, Goldie, Hagey, Haines, Laurie and the Dawson Road Lots	742	.....	.....
District of Timiskaming	743	.....	.....

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Restricted Areas—*Continued*			
District of Timiskaming	...	45/73	Feb. 24/73
Districts of Cochrane and Timiskaming	744	.....	.....
Districts of Kenora and Thunder Bay	...	294/71	July 31/71
Districts of Timiskaming and Nipissing	745	.....	.....
Part of District of Cochrane	746	.....	.....
Sale and Lease of Public Lands	...	246/71	June 19/71
amended	...	349/71	Aug. 28/71
amended	...	412/72	Sept. 2/72
amended	...	341/73	June 23/73
amended	...	368/73	July 7/73
Public Libraries Act			
Grants for Public Libraries	...	339/72	July 22/72
amended	...	446/73	Aug. 18/73
amended	...	544/74	Aug. 3/74
Public Service Act			
General	749	.....	.....
amended	...	27/71	Jan. 30/71
amended	...	38/71	Feb. 6/71
amended	...	150/71	May 1/71
amended	...	162/71	May 8/71
amended	...	365/71	Sept. 18/71
amended	...	420/71	Oct. 9/71
amended	...	421/71	Oct. 9/71
amended	...	439/71	Oct. 30/71
amended	...	504/71	Dec. 18/71
amended	...	32/72	Feb. 19/72
amended	...	33/72	Feb. 19/72
amended	...	74/72	Mar. 4/72
amended	...	144/72	Apr. 15/72
amended	...	223/72	May 27/72
amended	...	409/72	Aug. 26/72
amended	...	500/72	Oct. 28/72
amended	...	542/72	Dec. 2/72
amended	...	70/73	Mar. 10/73
amended	...	123/73	Mar. 24/73
amended	...	363/73	June 30/73
amended	...	422/73	July 21/73
amended	...	605/73	Oct. 20/73
amended	...	666/73	Nov. 10/73
amended	...	133/74	Mar. 23/74
amended	...	156/74	Mar. 30/74
amended	...	394/74	June 8/74
Joint Council	...	534/71	Jan. 8/72
Overtime, Ontario Provincial Police	756	.....	.....
Stand-By, Ontario Provincial Police Force	757	.....	.....
Vacations, Ontario Provincial Police	759	.....	.....
Public Service Superannuation Act			
General	760	.....	.....
amended	...	801/74	Nov. 9/74
Public Transportation and Highway Improvement Act			
Designations			
Antrim to Quebec Boundary (Hwy. 417)	389	.....	.....
amended	...	48/72	Feb. 19/72

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Designations—*Continued*			
Antrim to Quebec Boundary (Hwy. 417)—*Continued*			
amended	...	114/72	Mar. 25/72
amended	...	129/72	Apr. 1/72
amended	...	262/72	June 17/72
amended	...	548/72	Dec. 2/72
amended	...	17/73	Feb. 3/73
amended	...	730/74	Oct. 12/74
Don Valley Parkway Extension (Hwy. 404)	390	.....	.....
amended	...	502/73	Sept. 1/73
Homer to Queenston (Hwy. 405)	391	.....	.....
London to Sarnia (Hwy. 402)	392	.....	.....
amended	...	945/74	Dec. 28/74
Miscellaneous			
Northern Ontario	393	.....	.....
amended	...	87/71	Mar. 6/71
amended	...	148/71	Apr. 24/71
amended	...	7/74	Jan. 19/74
Southern Ontario	394	.....	.....
amended	...	11/71	Jan. 23/71
amended	...	41/71	Feb. 6/71
amended	...	70/71	Feb. 20/71
amended	...	81/71	Feb. 27/71
amended	...	157/71	May 1/71
amended	...	165/71	May 8/71
amended	...	194/71	May 29/71
amended	...	238/71	June 19/71
amended	...	275/71	July 10/71
amended	...	406/71	Oct. 2/71
amended	...	477/71	Nov. 27/71
amended	...	46/72	Feb. 19/72
amended	...	128/72	Apr. 1/72
amended	...	174/72	Apr. 29/72
amended	...	263/72	June 17/72
amended	...	293/72	July 1/72
amended	...	341/72	July 22/72
amended	...	477/72	Oct. 7/72
amended	...	549/72	Dec. 2/72
amended	...	571/72	Dec. 30/72
amended	...	64/73	Mar. 3/73
amended	...	329/73	June 16/73
amended	...	537/73	Sept. 15/73
amended	...	630/73	Oct. 27/73
amended	...	633/73	Oct. 27/73
amended	...	692/73	Nov. 24/73
amended	...	6/74	Jan. 19/74
amended	...	106/74	Mar. 9/74
amended	...	264/74	May 11/74
amended	...	380/74	May 25/74
amended	...	381/74	Ma6 25/74
amended	...	525/74	July 27/74
amended	...	723/74	Oct. 12/74
amended	...	724/74	Oct. 12/74
amended	...	857/74	Nov. 23/74
Queen Elizabeth Way	395	.....	.....
amended	...	315/71	Aug. 7/71
amended	...	405/71	Oct. 2/71

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Public Transportation and Highway Improvement Act—*Continued*			
Designations—*Continued*			
Queen Elizabeth Way—*Continued*			
amended	...	18/72	Feb. 5/72
amended	...	377/72	Aug. 12/72
amended	...	538/73	Sept. 15/73
amended	...	632/73	Oct. 27/73
amended	...	729/74	Oct. 12/74
Southwest Freeway			
Ottawa (Hwy. 416)	396	.....	.....
amended	...	137/72	Apr. 8/72
St. Catharines to Welland (Hwy. 406)	397	.....	.....
Toronto to North Bay (Hwy. 400)	398	.....	.....
amended	...	164/71	May 8/71
amended	...	403/71	Oct. 2/71
amended	...	47/72	Feb. 19/72
amended	...	375/72	Aug. 12/72
amended	...	511/72	Nov. 4/72
amended	...	532/72	Nov. 18/72
Toronto to Quebec Boundary (Hwy. 401)	399	.....	.....
amended	...	195/71	May 29/71
amended	...	356/71	Sept. 4/71
amended	...	546/72	Dec. 2/72
amended	...	572/72	Dec. 30/72
amended	...	385/73	July 7/73
amended	...	628/73	Oct. 27/73
amended	...	265/74	May 11/74
amended	...	728/74	Oct. 12/74
amended	...	856/74	Nov. 23/74
amended	...	877/74	Nov. 30/74
Toronto to Windsor (Hwy. 401)	400	.....	.....
amended	...	77/73	Mar. 10/73
amended	...	170/73	Apr. 14/73
amended	...	359/73	June 30/73
amended	...	539/73	Sept. 15/73
amended	...	631/73	Oct. 27/73
amended	...	726/74	Oct. 12/74
amended	...	727/74	Oct. 12/74
Toronto to Woodstock (Hwy. 403)	401	.....	.....
amended	...	357/71	Sept. 4/71
amended	...	547/72	Dec. 2/72
amended	...	540/73	Sept. 15/73
amended	...	725/74	Oct. 12/74
amended	...	855/74	Nov. 23/74
Trans-Canada Highway			
Orillia to Manitoba Boundary	402	.....	.....
amended	...	239/71	June 19/71
amended	...	478/71	Nov. 27/71
amended	...	82/72	Mar. 4/72
amended	...	378/72	Aug. 12/72
amended	...	63/73	Mar. 3/73
amended	...	65/73	Mar. 3/73
amended	...	718/73	Dec. 8/73
Orillia to Quebec Boundary	403	.....	.....
amended	...	53/71	Feb. 13/71
amended	...	80/71	Feb. 27/71
amended	...	404/71	Oct. 2/71
amended	...	49/72	Feb. 19/72

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Public Transportation and Highway Improvement Act—*Continued*			
Designations—*Continued*			
Trans-Canada Highway—*Continued*			
Orillia to Quebec Boundary—*Continued*			
amended	...	113/72	Mar. 25/72
amended	...	138/72	Apr. 8/72
amended	...	376/72	Aug. 12/72
amended	...	453/72	Sept. 23/72
Woodbridge to Orono (Hwy. 407)	404	.....	.....
amended	...	384/73	July 7/73
Intersections in Unorganized Territory	405	.....	.....
Permits	406	.....	.....
Use of Rest, Service or Other Areas	407	.....	.....
Public Trustee Act			
General	761	.....	.....
amended	...	438/74	June 22/74
Public Vehicles Act			
General	762	.....	.....
amended	...	363/72	Aug. 12/72
Public Works Creditors Payment Act			
Notice of Claim	763	.....	.....
Time for Notice of Claim	764	.....	.....
Pyramidic Sales Act, 1972			
General	...	300/72	July 1/72
R			
Race Tracks Tax Act			
Rate of Tax	765	.....	.....
amended	...	215/72	May 20/72
Radiological Technicians Act			
General	766	.....	.....
amended	...	180/71	May 15/71
amended	...	44/72	Feb. 19/72
amended	...	774/73	Dec. 22/73
Railway Fire Charge Act			
Charges for Fire Protection	767	.....	.....
Real Estate and Business Brokers Act			
General	769	.....	.....
amended	...	169/71	May 8/71
amended	...	441/71	Nov. 6/71
amended	...	267/72	June 17/72
amended	...	965/74	Jan. 4/75
Reciprocal Enforcement of Judgments Act			
Application of Act	770	.....	.....
amended	...	424/73	July 28/73

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Reciprocal Enforcement of Maintenance Orders Act			
Reciprocating States	771	.....	.....
amended	...	504/72	Oct. 28/72
amended	...	315/73	June 9/73
amended	...	705/74	Oct. 12/74
Regional Municipal Grants Act			
Additional Payment to the Township of Georgian Bay	...	558/73	Sept. 15/74
Payments to Area Municipalities			
District Municipality of Muskoka and the Area Municipalities within the District of Muskoka	...	871/74	Nov. 30/74
Regional Municipality of Niagara and the Town of Richmond Hill	...	418/72	Sept. 2/72
Regional Municipality of Niagara	...	647/74	Sept. 14/74
Regional Municipality of Ottawa-Carleton	...	517/72	Nov. 11/72
Regional Municipality of Ottawa-Carleton	...	556/73	Sept. 15/73
Regional Municipality of Waterloo	...	648/74	Sept. 14/74
Regional Municipality of York	...	646/74	Sept. 14/74
Special Assistance Payment to The Regional Municipality of Waterloo	...	671/73	Nov. 17/73
Special Payments to Certain Area Municipalities within The Regional Municipality of Ottawa-Carleton	...	934/74	Dec. 28/74
Special Payments to The Regional Municipality of Durham, The Area Municipalities within The Region of Durham and Municipalities and Counties affected by Restructure in the Area	...	684/74	Sept. 28/74
Special Payments to The Regional Municipality of Haldimand-Norfolk and the Area Municipalities within The Regional Municipality of Haldimand-Norfolk	...	807/74	Nov. 9/74
Special Payments to The Regional Municipality of Halton and the Area Municipalities within The Regional Municipality of Halton	...	822/74	Nov. 16/74
Special Payments to The Regional Municipality of Hamilton-Wentworth and the Area Municipalities within The Regional Municipality of Hamilton-Wentworth	...	823/74	Nov. 16/74
Special Payment to The Regional Municipality of Niagara	...	673/73	Nov. 17/73
Special Payments to The Regional Municipality of Peel and the Area Municipalities within the Region	...	935/74	Dec. 28/74
Special Payments to the Area Municipalities within The Regional Municipality of Sudbury	...	821/74	Nov. 16/74
Special Payment—Town of Wasaga Beach	...	808/74	Nov. 9/74
Regional Municipality of Durham Act, 1973			
Orders of the Minister			
election of area councils, regional council and school boards	...	489/73	Aug. 25/73
amended	...	525/73	Sept. 8/73
amended	...	568/73	Sept. 22/73
amended	...	641/73	Oct. 27/73
confirming name of Regional Corporation	...	623/73	Oct. 27/73
appointing committee of arbitrators pursuant to s. 28 (2) of the Act	...	794/73	Dec. 29/73
public library board Ajax	...	91/74	Mar. 2/74
public library board—Township of Uxbridge	...	147/74	Mar. 30/74
public library board—Newcastle	...	227/74	May 4/74
public library board—Township of Brock	...	440/74	June 29/74
rates of taxation—1974	...	731/74	Oct. 12/74

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Regional Municipality of Haldimand-Norfolk Act, 1973			
Orders of the Minister			
election of area councils and regional councils and determine name of regional municipality	...	653/73	Nov. 3/73
amended	...	672/73	Nov. 17/73
amended	...	717/73	Dec. 1/73
determination of name of area municipality of Township of Delhi	...	716/73	Dec. 1/73
determination of name of Regional Corporation	...	806/73	Jan. 5/74
public library board—Simcoe	...	139/74	Mar. 23/74
public library board—Haldimand	...	140/74	Mar. 23/74
establishment of The Dunnville Public Library	...	196/74	Apr. 13/74
public library board—Township of Delhi	...	354/74	May 25/74
public library board—Township of Norfolk	...	355/74	May 25/74
public library board—Nanticoke	...	383/74	May 25/74
election of member to first council—Town of Dunnville	...	388/74	June 1/74
Regional Municipality of Halton Act, 1973			
Orders of the Minister			
election of area councils, regional council and school boards	...	466/73	Aug. 18/73
amended	...	565/73	Sept. 22/73
amended	...	638/73	Oct. 27/73
determination of names of towns of Central Halton and North Halton	...	578/73	Sept. 29/73
confirming names of the towns of Central Halton and North Halton	...	622/73	Oct. 27/73
public library board—Milton	...	787/73	Dec. 29/73
public library board—Halton Hills	...	27/74	Feb. 2/74
Regional Municipality of Hamilton-Wentworth Act, 1973			
Orders of the Minister			
election of area councils, regional council and boards of education	...	467/73	Aug. 18/73
amended	...	518/73	Sept. 8/73
amended	...	566/73	Sept. 22/72
amended	...	639/73	Oct. 27/73
determination of name of Township of Flamborough	...	580/73	Sept. 29/73
confirming name of Township of Flamborough	...	621/73	Oct. 27/73
establishment of Wentworth Library Board	...	805/73	Jan. 5/74
apportionment of sums required to operate Wentworth Library Board	...	146/74	Mar. 30/74
public library board—Brampton	...	240/74	May 4/74
rates of taxation—1974	...	740/74	Oct. 19/74
Regional Municipality of Niagara Act			
Financial Adjustments	772	.....	.....
Order of the Minister	...	368/71	Sept. 18/71
amended	...	188/72	May 6/72
Order of the Minister	...	303/72	July 1/72
Order of the Minister	...	422/72	Sept. 2/72
amended	...	451/72	Sept. 23/72
amended	...	551/72	Dec. 9/72
Regional Municipality of Ottawa-Carleton Act			
Order of the Minister			
rates of taxation to be levied in certain merged areas in 1974	...	930/74	Dec. 21/74

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Regional Municipality of Peel Act, 1973			
Orders of the Minister			
election of area councils and regional council	...	468/73	Aug. 18/73
amended	...	567/73	Sept. 22/73
amended	...	640/73	Oct. 27/73
determination of name of Town of Albion	...	579/73	Sept. 29/73
confirming name of Town of Caledon	...	620/73	Oct. 27/73
public library board—City of Mississauga	...	788/73	Dec. 29/73
public library board—Brampton	...	28/74	Feb. 2/74
amended	...	240/74	May 4/74
public library board—Town of Caledon	...	399/74	June 8/74
Regional Municipality of Sudbury Act, 1972			
Order of the Minister	...	407/72	Aug. 26/72
amended	...	450/72	Sept. 23/72
Order of the Minister	...	479/72	Oct. 14/72
Order of the Minister	...	538/72	Nov. 25/72
Orders of the Minister			
establishing public library board—Town of Onaping Falls	...	4/73	Jan. 27/73
establishing public library board—Town of Rayside-Balfour	...	58/73	Mar. 3/73
establishing public library board—Town of Walden	...	79/73	Mar. 10/73
dissolution of boards and commissions in area municipality	...	141/73	Mar. 31/73
dissolution of boards and commissions	...	320/73	June 9/73
dissolution—community centre board—Town of Walden	...	823/73	Jan. 12/74
rates of taxation for 1973	...	16/74	Jan. 26/74
Regional Municipality of Waterloo Act, 1972			
Order of the Minister	...	427/72	Sept. 9/72
amended	...	449/72	Sept. 23/72
Order of the Minister	...	497/72	Oct. 21/72
Order of the Minister	...	539/72	Nov. 25/72
Orders of the Minister			
establishing public library board—City of Cambridge	...	5/73	Jan. 27/73
amended	...	142/73	Mar. 31/73
employee—sick leave credits	...	350/74	May 18/74
rates of taxation—levied—merged areas—1974	...	635/74	Sept. 14/74
Regional Municipality of York Act			
Appointment of Clerk, Treasurer, Engineer or Auditor	768	.....	.....
Order of the Minister	...	286/71	July 17/71
Order of the Minister	...	424/71	Oct. 16/71
Order of the Minister	...	460/71	Nov. 13/71
Order of the Minister	...	373/72	Aug. 12/72
Order of the Minister	...	408/72	Aug. 26/72
Registry Act			
Canada Lands	774	.....	.....
amended	...	24/71	Jan. 30/71
Corporations Exempted Under Section 43 of the Act	775	.....	.....
amended	...	94/71	Mar. 6/71
Fees	...	156/72	Apr. 15/72
amended	...	819/73	Jan. 12/74

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Registry Act—*Continued*			
Forms and Records	777	.....	.....
amended	...	335/71	Aug. 14/71
amended	...	150/72	Apr. 15/72
amended	...	96/73	Mar. 17/73
amended	...	635/73	Oct. 27/73
amended	...	60/74	Feb. 16/74
amended	...	494/74	July 20/74
Microfilming of Registry Records (*revoking*)	...	61/74	Feb. 16/74
Registry Divisions	779	.....	.....
amended	...	177/71	May 15/71
amended	...	200/71	May 29/71
amended	...	467/71	Nov. 20/71
amended	...	154/73	Apr. 7/73
amended	...	253/73	May 12/73
amended	...	687/74	Sept. 28/74
amended	...	716/74	Oct. 12/74
amended	...	816/74	Nov. 16/74
amended	...	943/74	Dec. 28/74
Surveys, Plans and Descriptions of Land	780	.....	.....
amended	...	818/73	Jan. 12/74
amended	...	916/74	Dec. 14/74
Regulations Act			
General	781	.....	.....
Retail Sales Tax Act			
Definitions by Minister	784	.....	.....
amended	...	475/71	Nov. 27/71
amended	...	332/74	May 18/74
General	785	.....	.....
amended	...	496/71	Dec. 11/71
amended	...	213/72	May 20/72
amended	...	325/72	July 15/72
amended	...	300/73	June 2/73
amended	...	417/73	July 21/73
amended	...	333/74	May 18/74
Riding Horse Establishments Act, 1972			
General	...	194/73	Apr. 21/73
S			
St. Clair Parkway Commission Act, 1966			
General	786	.....	.....
amended	...	56/74	Feb. 16/74
amended	...	626/74	Sept. 1/74
St. Lawrence Parks Commission Act			
Controlled Access Highways	787	.....	.....
Highway Vested in the Commission	788	.....	.....
Parks	789	.....	.....
amended	...	148/72	Apr. 15/72
amended	...	458/72	Sept. 30/72
amended	...	318/73	June 9/73
amended	...	514/73	Sept. 1/73
amended	...	658/73	Nov. 10/73
amended	...	956/74	Jan. 4/75

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Sanatoria for Consumptives Act			
General	790	.....	.....
amended	...	27/72	Feb. 12/72
Tuberculosis Control Clinics	791	.....	.....
Secondary Schools and Boards of Education Act			
Apportionment 1970 Requisitions	792	.....	.....
amended	...	373/71	Sept. 18/71
Apportionment 1971 Requisitions	...	58/71	Feb. 13/71
amended	...	790/74	Nov. 2/74
Apportionment 1972 Requisitions	...	99/72	Mar. 18/72
amended	...	310/73	June 9/73
Apportionment 1973 Requisitions	...	81/73	Mar. 10/73
amended	...	723/73	Dec. 8/73
amended	...	137/74	Mar. 23/74
Apportionment 1974 Requisitions	...	201/74	Apr. 20/74
Designation of School Divisions in Territorial Districts	793	.....	.....
amended	...	394/71	Sept. 25/71
amended	...	354/72	July 29/72
amended	...	431/72	Sept. 9/72
amended	...	234/73	May 5/73
amended	...	250/73	May 12/73
Securities Act			
General	794	.....	.....
amended	...	168/71	May 8/71
amended	...	182/71	May 22/71
amended	...	316/71	Aug. 7/71
amended	...	524/71	Jan. 2/72
amended	...	160/72	Apr. 22/72
amended	...	491/73	Aug. 25/73
amended	...	541/73	Sept. 15/73
amended	...	645/73	Nov. 3/73
amended	...	95/74	Mar. 9/74
amended	...	495/74	July 20/74
amended	...	600/74	Aug. 31/74
Security Transfer Tax Act			
General	795	.....	.....
amended	...	167/71	May 8/71
amended	...	214/72	May 20/72
Seed Potatoes Act			
General	796	.....	.....
Separate Schools Act			
County Combined Separate School Zones	797	.....	.....
amended	...	442/72	Sept. 16/72
amended	...	232/73	May 5/73
amended	...	85/74	Mar. 2/74
amended	...	222/74	Apr. 27/74
amended	...	629/74	Sept. 14/74

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Separate Schools Act—*Continued*			
District Combined Separate School Zones	798	.....	.....
amended	...	432/72	Sept. 9/72
amended	...	452/72	Sept. 23/72
amended	...	233/73	May 5/73
amended	...	249/73	May 12/73
amended	...	743/73	Dec. 15/73
amended	...	37/74	Feb. 9/74
amended	...	630/74	Sept. 14/74
Shoreline Property Assistance Act, 1973			
General	...	302/73	June 3/73
Silicosis Act			
General	799	.....	.....
amended	...	193/74	Apr. 13/74
Small Claims Courts Act			
Courts	800	.....	.....
amended	...	67/71	Feb. 20/71
amended	...	287/71	July 24/71
amended	...	6/72	Jan. 22/72
amended	...	90/72	Mar. 18/72
amended	...	260/72	June 17/72
amended	...	528/72	Nov. 18/72
amended	...	40/73	Feb. 17/73
amended	...	41/73	Feb. 17/73
amended	...	95/73	Mar. 17/73
amended	...	206/73	Apr. 28/73
amended	...	453/73	Aug. 18/73
amended	...	454/73	Aug. 18/73
amended	...	813/73	Jan. 12/74
amended	...	246/74	May 4/74
amended	...	336/74	May 18/74
amended	...	400/74	June 8/74
amended	...	876/74	Nov. 30/74
amended	...	984/74	Jan. 11/75
Rules of Procedure	801	.....	.....
Tariff of Fees	802	.....	.....
amended	...	401/72	Aug. 26/72
amended	...	72/74	Feb. 23/74
amended	...	950/74	Dec. 28/74
Stock Yards Act			
Management	803	.....	.....
Succession Duty Act			
General	804	.....	.....
amended	...	497/71	Dec. 11/71
amended	...	352/72	July 29/72
amended	...	348/73	June 23/73
Summary Convictions Act			
Ticket Summons	...	376/71	Sept. 18/71
amended	...	333/73	June 16/73
(*see note, page 1089 (foot pagination) of the June 23rd, 1973 issue of The Ontario Gazette*)			
amended	...	495/73	Sept. 1/73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Surrogate Courts Act			
Rules of Practice	806	.....	.....
amended	...	519/71	Jan. 1/72
Surveyors Act			
General	...	35/73	Feb. 17/73
Surveys Act			
Monuments	807	.....	.....
amended	...	72/73	Mar. 10/73
amended	...	29/74	Feb. 2/74
Survey Methods	808	.....	.....
amended	...	71/73	Mar. 10/73
The Ontario Co-ordinate System	809	.....	.....
T			
Teachers' Superannuation Act			
General	810	.....	.....
amended	...	374/71	Sept. 18/71
amended	...	195/72	May 13/72
amended	...	474/72	Sept. 30/72
amended	...	529/72	Nov. 18/72
amended	...	522/73	Sept. 8/73
amended	...	673/74	Sept. 28/74
Theatres Act			
General	811	.....	.....
amended	...	586/72	Jan. 6/73
amended	...	181/73	Apr. 14/73
Tile Drainage Act			
General	...	327/71	Aug. 14/71
amended	...	606/74	Aug. 31/74
Tobacco Tax Act			
General	812	.....	.....
amended	...	212/72	May 20/72
amended	...	285/72	June 24/72
Toll Bridges Act			
General (*revoking*)	...	677/73	Nov. 17/73
Tourism Act			
General	...	390/72	Aug. 19/72
amended	...	551/73	Sept. 15/73
amended	...	620/74	Sept. 7/74
Training Schools Act			
General	815	.....	.....
amended	...	470/71	Nov. 27/71
amended	...	357/72	Aug. 5/72
amended	...	86/74	Mar. 2/74
amended	...	883/74	Nov. 30/74

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
U			
Upholstered and Stuffed Articles Act			
General	817	.....	.....
amended	...	520/73	Sept. 8/73
amended	...	576/73	Sept. 29/73
amended	...	105/74	Mar. 9/74
Used Car Dealers Act			
(*See now* **Motor Vehicle Dealers Act**)			
(*title of Act changed Jan. 1st, 1972, See S.O. 1971, c. 21, s. 1.*)			
V			
Venereal Diseases Prevention Act			
General	819	.....	.....
amended	...	3/71	Jan. 16/71
Vital Statistics Act			
General	820	.....	.....
amended	...	243/72	June 3/72
amended	...	28/73	Feb. 10/73
amended	...	432/73	Aug. 4/73
amended	...	39/74	Feb. 9/74
Vocational Rehabilitation Services Act			
General	821	.....	.....
amended	...	255/71	July 3/71
amended	...	495/71	Dec. 11/71
amended	...	62/72	Feb. 26/72
amended	...	118/72	Mar. 25/72
amended	...	167/72	Apr. 22/72
amended	...	386/72	Aug. 19/72
amended	...	73/73	Mar. 10/73
amended	...	376/73	July 7/73
amended	...	800/73	Dec. 29/73
amended	...	242/74	May 4/74
amended	...	243/74	May 4/74
amended	...	971/74	Jan. 4/75
Voters' Lists Act			
General	822	.....	.....
W			
Warble Fly Control Act			
General	823	.....	.....
amended	...	15/73	Feb. 3/73
Waste Management Act			
(*See now* **Environmental Protection Act, 1971**)			
Weed Control Act			
General	...	195/73	Apr. 21/73

	Regulation No.		Date of Gazette
	R.R.O. 1970	O. Reg.	
Welfare Units Act			
General	826	.....	.....
Wild Rice Harvesting Act			
General	827	.....	.....
Wilderness Areas Act			
Wilderness Areas	828	.....	.....
amended	...	204/71	May 29/71
amended	...	509/71	Dec. 25/71
amended	...	225/72	May 27/72
Wine Content Act, 1972			
General	...	107/73	Mar. 17/73
Wolf Damage to Live Stock Compensation Act, 1972			
Application for and Payment of Compensation	...	16/73	Feb. 3/73
Woodlands Improvement Act			
General	832	.....	.....
amended	...	378/71	Sept. 25/71
amended	...	455/71	Nov. 6/71
Workmen's Compensation Act			
First-Aid Requirements	...	6/71	Jan. 16/71
General	834	.....	.....
amended	...	5/71	Jan. 16/71
amended	...	186/72	May 6/72
amended	...	591/72	Jan. 13/73
amended	...	246/73	May 12/73
amended	...	814/73	Jan. 12/74
Pension Plan	835	.....	.....
amended	...	520/72	Nov. 11/72
amended	...	626/73	Oct. 27/73
amended	...	551/74	Aug. 10/74

PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1970 and subsequent Regulations filed to the 31st day of December, 1974, that have been revoked, are revoking only or have expired.

R.R.O. 1970 Regulations	Disposition	R.R.O. 1970 Regulations	Disposition
3	Rev. 494/73	209	Rev. 205/71
4	Rev. 494/73	210	Rev. 84/74
10	Rev. 183/72	212	Rev. 246/72
27	Rev. 371/71	214	Rev. 419/73
28	Rev. 165/72	216	Rev. 69/73
38	Rev. 171/73	219	Rev. 390/72
40	Rev. 268/71	220	Rev. 720/73
42	Rev. 293/72	221	Rev. 261/73
45	Rev. 221/74	222	Rev. 190/71
47	Rev. 298/73	237	Rev. 197/71
48	Rev. 124/73	252	Rev. 45/72
52	Rev. 612/73	253	Rev. 298/72
58	Rev. 423/72	258	Rev. 134/72
59	Rev. 411/72	279	Rev. 424/74
60	Rev. 268/71	282	Rev. 298/72
61	Rev. 370/72	299	Rev. 430/71
63	Rev. 733/74	315	Rev. 593/72
67	Rev. 476/72	316	Rev. 594/72
72	Rev. 732/74	347	Rev. 413/73
91	Rev. 21/71	350	Rev. 275/73
97	Rev. 734/74	361	Rev. 516/73
99	Rev. 273/72	374	Rev. 387/72
101	Rev. 460/72	376	Rev. 181/71
102	Rev. 516/74	381	Rev. 746/73
103	Rev. 513/74	388	Rev. 123/72
106	Rev. 273/72	417	Rev. 731/73
107	Rev. 248/74	428	Rev. 92/73
112	Rev. 813/74	440	Rev. 552/74
116	Rev. 224/71	443	Rev. 323/72
117	Rev. 108/71	444	Rev. 323/72
120	Rev. 755/73	446	Rev. 323/72
121	Rev. 356/74	447	Rev. 124/72
122	Rev. 272/72	448	Rev. 367/71
123	Rev. 783/74	451	Rev. 558/72
124	Rev. 37/71	452	Rev. 559/72
125	Rev. 735/73	453	Rev. 259/72
127	Rev. 419/73	454	Rev. 259/72
131	Rev. 307/73	482	Rev. 106/71
132	Rev. 307/73	519	Rev. 318/71
145	Rev. 187/72	520	Rev. 847/74
146	Rev. 187/72	540	Rev. 13/72
147	Rev. 367/73	542	Rev. 219/71
149	Rev. 319/72	543	Rev. 526/71
157	Rev. 320/72	555	Rev. 58/74
158	Rev. 372/74	561	Rev. 736/73
164	Rev. 397/71	565	Rev. 498/71
192	Rev. 517/71	581	Rev. 394/72
195	Rev. 510/72	603	Rev. 546/71
196	Rev. 295/73	606	Rev. 775/73
197	Rev. 392/71	610	Rev. 465/71
203	Rev. 457/71	613	Rev. 372/73
206	Rev. 517/71	615	Rev. 451/71
207	Rev. 84/74	622	Rev. 508/72

R.R.O. 1970 Regulations	Disposition
633	Rev. 624/73
653	Rev. 347/73
655	Rev. 207/72
657	Rev. 618/74
664	Rev. 68/71
665	Rev. 69/71
676	Rev. 568/72
683	Rev. 168/73
684	Rev. 564/73
693	Rev. 26/74
707	Rev. 429/72
708	Rev. 668/73
716	Rev. 113/71
730	Rev. 349/71
731	Rev. 293/71
736	Rev. 437/71
747	Rev. 349/71
748	Rev. 339/72
750	Exp.
751	Exp.
752	Exp.
753	Exp.
754	Rev. 274/71
755	Exp.
758	Exp.
773	Rev. 368/71
776	Rev. 156/72
778	Rev. 61/74
782	Rev. 86/72
783	Rev. 243/71
805	Rev. 376/71
813	Rev. 677/73
814	Rev. 881/74
816	Rev. 419/73
818	Rev. 98/71
825	Rev. 195/73
829	Rev. /72, c. 144, s. 1 (1)
830	Rev. /72, c. 144, s. 1 (1)
831	Act repealed—S.O. 1972, c. 119, s. 15
833	Rev. 6/71

Ontario Regulations	Disposition
2/71	Rev. 618/74
4/71	Rev. 37/72
7/71	Rev. 168/73
8/71	Revkg.
13/71	Rev. 158/72
14/71	Rev. 598/72
26/71	Rev. 347/73
31/71	Exp.
33/71	Rev. 781/74
34/71	Rev. 17/72
35/71	Rev. 452/72

Ontario Regulations	Disposition
46/71	Rev. 594/72
47/71	Rev. 43/73
48/71	Rev. 103/71
49/71	Rev. 48/73
50/71	Rev. 429/71
54/71	Rev. 94/72
55/71	Rev. 76/72
56/71	Rev. 452/72
60/71	Rev. 323/72
64/71	Rev. 568/72
65/71	Rev. 158/72
66/71	Rev. 159/72
76/71	Rev. 124/73
79/71	Rev. 298/73
83/71	Exp.
84/71	Rev. 211/73
85/71	Exp.
88/71	Rev. 431/72
93/71	Rev. 69/73
99/71	Rev. 131/74
102/71	Rev. 618/73
103/71	Rev. 543/71
104/71	Rev. 494/73
105/71	Rev. 420/71
108/71	Rev. 824/73
109/71	Rev. 94/72
110/71	Exp.
112/71	Rev. 494/73
113/71	Rev. 129/74
123/71	Rev. 881/74
130/71	Rev. 494/73
131/71	Rev. 238/74
132/71	Rev. 237/74
147/71	Exp.
156/71	Rev. 268/72
158/71	Rev. 463/72
165/71	Rev. 128/72
173/71	Exp.
183/71	Rev. 187/72
184/71	Rev. 116/73
185/71	Rev. 367/73
186/71	Rev. 187/72
190/71	Rev. 316/73
192/71	Rev. 439/72
193/71	Rev. 438/72
197/71	Rev. 720/74
205/71	Revkg.
209/71	Rev. 69/73
212/71	Rev. 324/71
213/71	Revkg.
214/71	Rev. 12/72
217/71	Rev. 439/74
219/71	Revkg.
220/71	Revkg.
222/71	Rev. 388/72
223/71	Rev. 768/73
226/71	Rev. 612/73
235/71	Rev. 123/72
236/71	Rev. 569/74
240/71	Rev. 453/72
241/71	Rev. 323/72

Ontario Regulations	Disposition
242/71	Exp.
243/71	Exp.
245/71	Rev. 250/71
247/71	Rev. 338/72
250/71	Revkg.
251/71	Rev. 219/72
253/71	Rev. 73/72
259/71	Rev. 626/74
261/71	Exp.
268/71	Rev. 465/71
270/71	Rev. 419/73
274/71	Revkg.
277/71	Rev. 715/73
278/71	Exp.
279/71	Exp.
288/71	Rev. 355/74
290/71	Rev. 370/72
292/71	Rev. 728/74
295/71	Rev. 366/72
296/71	Rev. 95/74
298/71	Rev. 522/73
301/71	Rev. 527/71
322/71	Rev. 361/74
323/71	Rev. 129/74
325/71	Rev. 69/73
326/71	Rev. 200/72
331/71	Rev. 203/74
332/71	Rev. 204/74
334/71	Rev. 568/72
337/71	Rev. 95/74
338/71	Rev. 339/72
341/71	Rev. 323/72
345/71	Rev. 451/71
346/71	Exp.
347/71	Exp.
348/71	Rev. 48/73
351/71	Rev. 159/72
352/71	Rev. 360/71
354/71	Rev. 713/73
355/71	Rev. 845/74
357/71	Rev. 725/74
358/71	Rev. 360/71
359/71	Rev. 69/73
360/71	Revkg.
370/71	Rev. 275/73
377/71	Rev. 335/74
381/71	Rev. 498/71
388/71	Rev. 800/73
398/71	Rev. 618/74
408/71	Rev. 323/72
412/71	Exp.
414/71	Exp.
415/71	Exp.
416/71	Exp.
418/71	Rev. 388/72
425/71	Exp.
427/71	Rev. 48/73
429/71	Rev. 7/73
430/71	Revkg.
431/71	Rev. 158/72
433/71	Rev. 69/73
434/71	Rev. 123/72
435/71	Rev. 800/73
442/71	Rev. 60/74
447/71	Exp.
448/71	Exp.
449/71	Exp.
450/71	Exp.
451/71	Rev. 237/72
452/71	Rev. 323/72
453/71	Rev. 706/74
457/71	Revkg.
459/71	Rev. 15/72
462/71	Rev. 505/71
463/71	Rev. 506/71
464/71	Exp.
465/71	Rev. 562/73
468/71	Rev. 267/72
470/71	Rev. 86/74
476/71	Exp.
481/71	Rev. 464/72
488/71	Rev. 48/73
498/71	Rev. 568/72
500/71	Exp.
505/71	Eev. 536/71
506/71	Rev. 537/71
511/71	Rev. 323/72
522/71	Rev. 439/74
531/71	Rev. 140/73
536/71	Rev. 271/72
537/71	Rev. 270/72
540/71	Rev. S.O. 1972, c. 66, s. 18
543/71	Rev. 326/72
1/72	Rev. 129/74
2/72	Exp.
3/72	Rev. 761/74
5/72	Exp.
7/72	Rev. 31/73
11/72	Rev. 713/73
12/72	Rev. 845/74
16/72	Rev. 629/74
17/72	Rev. 37/74
20/72	Rev. 413/73
25/72	Rev. 187/73
35/72	Rev. 96/72
36/72	Rev. 95/72
39/72	Rev. 797/73
50/72	Rev. 87/73
54/72	Rev. 494/73
58/72	Rev. 375/73
59/72	Rev. 715/73
61/72	Rev. 268/72
65/72	Rev. 799/73
66/72	Rev. 378/72
67/72	Rev. 797/73
68/72	Rev. 473/72
73/72	Rev. 446/72
76/72	Revkg.
85/72	Rev. 931/74

Ontario Regulations	Disposition
86/72	Revkg.
87/72	Rev. 69/73
89/72	Rev. 289/72
95/72	Rev. 159/72
96/72	Rev. 158/72
97/72	Exp.
111/72	Rev. 173/72
116/72	Rev. 568/72
121/72	Rev. 230/74
123/72	Revkg.
124/72	Rev. 323/72
130/72	Rev. 272/73
134/72	Revkg.
136/72	Rev. 208/74
141/72	Exp.
142/72	Exp.
155/72	Rev. 347/73
157/72	Rev. 323/72
158/72	Rev. 184/73
159/72	Rev. 183/73
162/72	Exp.
163/72	Exp.
166/72	Rev. 845/74
168/72	Rev. 439/74
181/72	Rev. 713/73
184/72	Rev. 594/72
185/72	Rev. 148/74
190/72	Exp.
192/72	Rev. 337/72
203/72	Exp.
205/72	Rev. 174/74
206/72	Rev. 677/73
210/72	Exp.
218/72	Rev. 205/74
220/72	Rev. 323/72
228/72	Rev. 224/73
232/72	Rev. 361/74
236/72	Rev. 845/74
237/72	Rev. 441/73
244/72	Rev. 264/72
246/72	Revkg.
249/72	Rev. 264/72
250/72	Rev. 264/72
251/72	Rev. 264/72
252/72	Rev. 264/72
253/72	Rev. 264/72
254/72	Rev. 264/72
261/72	Rev. 454/73
264/72	Revkg.
265/72	Rev. 594/72
266/72	Rev. 267/74
270/72	Rev. 262/73
271/72	Rev. 444/72
278/72	Exp.
279/72	Exp.
280/72	Exp.
281/72	Rev. 407/73
282/72	Rev. 618/74
284/72	Rev. 746/73
286/72	Exp.
287/72	Rev. 752/74
289/72	Rev. 117/73
290/72	Rev. 594/72
291/72	Rev. 719/73
302/72	Rev. 568/72
305/72	Rev. 413/72
309/72	Rev. 439/74
312/72	Rev. 713/73
314/72	Rev. 48/73
318/72	Rev. 367/74
326/72	Rev. 349/73
327/72	Exp.
329/72	Rev. 178/73
332/72	Rev. 184/73
333/72	Rev. 183/73
336/72	Rev. 336/73
337/72	Rev. 69/73
343/72	Rev. 464/72
344/72	Exp.
349/72	Rev. 439/74
355/72	Exp.
359/72	Exp.
361/72	Rev. 544/72
369/72	Rev. 31/73
379/72	Rev. 686/73
383/72	Rev. 241/74
384/72	Rev 148/74
385/72	Rev. 131/74
387/72	Rev. 422/74
388/72	Rev. 393/73
391/72	Rev. 561/74
394/72	Rev. 299/73
396/72	Rev. 24/74
413/72	Rev. 48/73
416/72	Rev. 627/74
420/72	Rev. 732/74
421/72	Rev. 621/74
424/72	Rev. 713/73
429/72	Revkg.
434/72	Rev. 164/73
444/72	Rev. 263/73
446/72	Revkg.
448/72	Exp.
456/72	Rev. 713/73
461/72	Rev. 48/73
468/72	Rev. 439/74
469/72	Rev. 175/74
476/72	Revkg.
481/72	Rev. 174/73
482/72	Rev. 173/73
484/72	Exp.
488/72	Rev. 692/74
493/72	Rev. 760/74
494/72	Rev. 48/73
495/72	Rev. 545/74
498/72	Rev. 568/72
501/72	Rev. 131/74
512/72	Revkg.
514/72	Rev. 439/74
515/72	Rev. 552/74
522/72	Rev. 48/73
523/72	Rev. 393/73

Ontario Regulations	Disposition
535/72	Rev. 131/74
536/72	Rev. 101/74
544/72	Rev. 547/73
550/72	Rev. 618/74
552/72	Rev. 618/74
553/72	Rev. 618/74
554/72	Rev. 971/74
558/72	Revkg.
564/72	Rev. 618/74
567/72	Rev. 720/73
574/72	Exp.
579/72	Rev. 752/73
582/72	Rev. 175/74
583/72	Rev. 713/73
584/72	Rev. 439/74
588/72	Rev. 331/73
596/72	Rev. 372/73
598/72	Rev. 174/73
3/73	Exp.
7/73	Rev. 1/74
18/73	Exp.
48/73	Rev. 474/74
67/73	Rev. 131/74
68/73	Rev. 86/74
69/73	Rev. 804/73
83/73	Rev. 148/74
87/73	Rev. 92/74
90/73	Rev. 631/74
92/73	Revkg.
101/73	Rev. 235/73
112/73	Rev. 569/74
117/73	Rev. 431/74
119/73	Rev. 618/74
120/73	Rev. 618/74
121/73	Rev. 26/74
125/73	Exp.
129/73	Rev. 474/74
133/73	Rev. 444/73
148/73	Rev. 492/73
156/73	Rev. 347/73
166/73	Rev. 131/74
169/73	Rev. 230/73
178/73	Rev. 756/74
179/73	Rev. 757/74
183/73	Rev. 461/73
184/73	Rev. 460/73
185/73	Rev. 713/73
188/73	Rev. 240/73
189/73	Rev. 357/74
192/73	Exp.
214/73	Rev. 101/74
227/73	Rev. 429/73
235/73	Rev. 407/73
239/73	Rev. 183/74
240/73	Rev. 812/73
245/73	Rev. 148/74
256/73	Rev. 545/74
262/73	Rev. 554/73
263/73	Rev. 553/73
264/73	Rev. 791/73
265/73	Exp.
268/73	Rev. 423/73
331/73	Rev. 703/73
333/73	Rev. 208/74
334/73	Rev. 405/73
335/73	Rev. 404/73
336/73	Rev. 260/74
337/73	Rev. 208/74
338/73	Rev. 101/74
349/73	Rev. 427/73
352/73	Rev. 471/73
354/73	Rev. 534/73
361/73	Exp.
362/73	Rev. 643/74
373/73	Rev. 439/74
374/73	Rev. 799/73
378/73	Rev. 797/73
383/73	Rev. 804/73
393/73	Rev. 459/74
394/73	Rev. 474/74
400/73	Exp.
402/73	Rev. 545/74
403/73	Rev. 569/74
404/73	Rev. 458/73
405/73	Rev. 457/73
406/73	Rev. 343/74
407/73	Rev. 462/74
411/73	Exp.
427/73	Rev. 572/73
441/73	Rev. 573/74
445/73	Exp.
447/73	Rev. 114/74
450/73	Rev. 131/74
457/73	Rev. 603/73
458/73	Rev. 675/73
460/73	Rev. 204/74
462/73	Rev. 421/74
464/73	Exp.
465/73	Exp.
488/83	Exp.
494/73	Rev. 949/74
503/73	Rev. 425/74
505/73	Rev. 707/73
506/73	Rev. 708/73
508/73	Rev. 360/74
509/73	Rev. 396/74
510/73	Rev. 373/74
511/73	Rev. 374/74
512/73	Rev. 376/74
523/73	Rev. 569/74
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